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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 280; Amdt. 132]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 1049 Series and 1649A Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection for cracks of the rudder torque tube was published in 25 F.R. 1528.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Lockheed Model 1049, 1049C, 1049D, 1049F, 1049G, 1049H, and 1649A aircraft.

Compliance required as indicated.

As a result of several cases of rudder torque tube failure (P/N 306525–2 and P/N 306525–3), attributed to stress corrosion, the following inspection must be accomplished:

Within the next 300 hours time in service on all aircraft which have accumulated 5,000 hours time in service, visually inspect for cracks, using a 10-power magnifying glass, the lower attachment portion of the upper rudder torque tube and the upper attachment portion of the lower rudder torque tube. If cracks or crack indications are found, reinspect the above area using dye penetrant or equivalent. (The cracks progress along the longitudinal direction from the edge of the tube to the first row of bolt holes and beyond. The cracks may also emanate from the second row of bolt holes.)

Replace the torque tube prior to further flight if the tube is cracked beyond the first ⅜-inch bolt attachment hole or if the tube is cracked at the second row of 5/16-inch bolt attachment holes.

If the tube is cracked from the edge to the first ⅜-inch bolt hole a repair may be used provided the repaired tube is reinspected in the above manner every 300 hours until replaced. The repair must be made prior to further flight and consists of the addition of two ¼-inch blind lockbolts or Jobolts, located one on each side of the crack, spaced halfway between the existing ⅜-inch bolt holes and in line with these bolts. The maximum number of cracks permitted is two. If the crack progresses beyond the ⅜-inch bolt attachment hole, with the repair installed, replace the torque tube prior to further flight.

If no cracks are found, reinspect visually every 1,300 hours time in service. If torque tubes are replaced with new parts (P/N 306525–5 or P/N 306525–7), no further special inspections are required.

(Lockheed Service Letter FS/237201 covers this same subject.)

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 8, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–3369; Filed, Apr. 13, 1960; 8:45 a.m.]

[Reg. Docket No. 341; Amdt. 133]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–8 Aircraft

Subsequent to adoption of Amendment 120, Part 507, regulations of the Administrator, 25 F.R. 2524, requiring inspection for cracks at the inner wing station XRS 139.0 on Douglas DC–8 aircraft, additional information was made available on repairs which can be utilized to extend the inspection period and to permit a means for eliminating reinspection of uncracked parts. Accordingly, Amendment 120 is being superseded by a new directive which incorporates these provisions.

Since this amendment provides a means for repair and relieves operators of these aircraft from the unnecessary burden of compliance with certain provisions of Amendment 120, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC–8 Series aircraft.

Compliance required as indicated.

(a) Within the next 50 hours time in service, unless already accomplished, visually inspect the upper and lower wing rib caps, P/N 5615316–1 (left hand) and –2 (right hand) and P/N 5615317–1 (left hand) and –2 (right hand) respectively, at wing station XRS 139.0 for any evidence of cracks. Use at least a 10-power magnifying glass or equivalent. If any doubt exists, utilize dye penetrant or other inspection methods for verification. Aircraft with cracks are not to be returned to service until the damaged parts are replaced or repaired in accordance with (c) or (d).

(b) Parts which show no evidence of cracks shall be reinspected in accordance with (a) at periods not to exceed 200 hours time in service until the provisions of (e) are accomplished.

(c) Parts which are found to be cracked and which are not replaced per (d) are authorized a reinspection period not to exceed 2,500 hours time in service, provided:

(1) The crack in the vertical tang does not exceed a length of ten inches and does not terminate closer than 1/16 inch from the heavy section of the part.

(2) A stop hole ¼- to ½-inch diameter is drilled in the extreme end of the crack, or the attachment hole in which the crack terminates is enlarged to ½-inch diameter.

(3) A minimum of twenty bulkhead web to cap lock bolts immediately forward of the rear spar are removed, the gap between the web and cap vertical tang is accurately measured, 7075–T6 shims, tapered as necessary in both directions, are installed to fill the gap, and the original type of bulkhead web to cap attachments are reinstalled.

(4) No fuel or pay load is in the airplane during subsequent jacking operations in which the jack point at the bulkhead in question is utilized.

(d) Parts found to be cracked beyond the limits of (c)(1) must be replaced prior to further flight. The replacement parts are subject to the 200 hour time in service inspection limitation of (b) unless, during installation, the gap measurement and shimming provisions of (c)(3) are accomplished. When properly shimmed during installation, the new parts will not be subject to any further special inspections or subsequent airplane jacking weight limitation.

(e) Parts inspected and found to have no cracks will no longer be subject to special inspections or airplane jacking weight limitation after gap measurement, shimming and reattachment provisions of (c)(3) have been accomplished.

(Douglas Service Bulletin DC–8/57–7 dated February 15, 1960, covers this same subject.)

This supersedes Amdt. 120, 25 F.R. 2524, and shall become effective upon date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 8, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–3370; Filed, Apr. 13, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemption From Requirement of Tolerance for Residues of Viable Spores of Microorganism Bacillus Thuringiensis Berliner

A petition was filed with the Food and Drug Administration by Bioferm Corporation, Wasco, California, requesting exemption from the requirement of a tolerance for residues of the viable spores of the microorganism Bacillus

thuringiensis Berliner for pesticidal use in or on growing crops.

Evidence in the petition shows that the microorganisms of Bacillus thuringiensis Berliner, when eaten by man or other warmblooded animals, are harmless and will cause no disease condition in them.

The Secretary of Agriculture has certified that this pesticide chemical is useful on alfalfa, apples, artichokes, beans, broccoli, cabbage, cauliflower, celery, cotton, lettuce, potatoes, and spinach.

After consideration of the data submitted in the petition and other relevant material which show that exemption from the requirement of a tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.176 Exemption from the requirement of a tolerance for residues of viable spores of the microorganism Bacillus thuringiensis Berliner.

(a) For the purposes of this section the microbial pesticide for which exemption from the requirement of a tolerance is being established shall have the following specifications:

(1) The microorganism shall be an authentic strain of Bacillus thuringiensis Berliner conforming to the morphological and biochemical characteristics of Bacillus thuringiensis as described in Bergey's Manual of Determinative Bacteriology, Seventh Edition.

(2) Spore preparations of Bacillus thuringiensis Berliner shall be produced by pure culture fermentation procedures with adequate control measures during production to detect any changes from the characteristics of the parent strain or contamination by other microorganisms.

(3) Each lot of spore preparation, prior to the addition of other materials, shall be tested by subcutaneous injection of at least 1 million spores into each of five laboratory test mice weighing 17 grams to 23 grams. Such test shall show no evidence of infection or injury in the test animals when observed for 7 days following injection.

(b) Exemption from the requirement of a tolerance is established for residues of the microbial pesticide Bacillus thuringiensis Berliner as specified in paragraph (a) of this section in or on the following raw agricultural commodities: Alfalfa, apples, artichokes, beans, broccoli, cabbage, cauliflower, celery, cottonseed, lettuce, potatoes, spinach.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 7, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-3385; Filed, Apr. 13, 1960; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Part 204 is amended by adding a new § 204.5a as follows:

§ 204.5a Forbearance of foreclosure.

With respect to any mortgage insured under this part, if the Commissioner finds that a default was due to circumstances beyond the mortgagor's control and determines that the mortgage will be restored to a current condition within a reasonable period of time, the Commissioner may approve forbearance of foreclosure relief as follows:

(a) *Uncollected interest allowance.* The mortgagee may withhold foreclosure proceedings against the mortgagor for a period of time determined by the Commissioner. If payments received from the mortgagor during the period of forbearance are insufficient to pay interest at the mortgage rate after applying such payments in the order set forth in the mortgage and the mortgage is subsequently foreclosed, the debentures may include an allowance for uncollected interest accrued during the period of such forbearance.

(b) *Assignment of defaulted mortgages.* With the prior written approval of the Commissioner, the mortgagee may assign the mortgage in exchange for debentures. As a requirement of such assignment:

(1) The mortgagee shall deliver:

(i) The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(ii) All rights and interest arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(iii) All title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner;

(iv) All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(v) All records, documents, books, papers and accounts relating to the mortgage transaction;

(vi) Any additional information or data which the Commissioner may require.

(2) The mortgagee shall certify that:

(i) The mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attach prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to such mortgage except such liens or other matters as may have been approved by the Commissioner;

(ii) The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(iii) There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 204.11.

Section 204.11 is amended by adding a new paragraph (d) as follows:

§ 204.11 Condition of property when transferred; delivery of debentures; certificate of claim and definition of term "waste".

* * * * *

(d) Upon an acceptable assignment of a mortgage, the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interpret or apply sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1706c)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

In § 221.18 the last sentence of paragraph (b) is amended so that the paragraph reads as follows:

§ 221.18 Mortgagor's minimum investment.

* * * * *

(b) A mortgagor who is 62 years of age or older as of the date the mortgage is accepted for insurance or a mortgagor under a mortgage meeting the requirements of § 221.17(c), may borrow from a corporation or person satisfactory to the Commissioner, the payment required by this section, plus settlement costs which may include initial payments for taxes, hazard insurance, mortgage insurance premium and other prepaid expenses as determined by the Commissioner. As security for the loan the mortgagor may give a note or other evidence of indebtedness bearing interest at a rate not in excess of that permitted in the insured mortgage. The aggregate amount of the insured mortgage and the loan referred to in this section shall not exceed an amount equal to the Commissioner's estimate of the appraised value of the property, plus an amount equal to the initial payments for taxes, hazard insurance, mortgage insurance premium, and other prepaid expenses as determined by the Commissioner.

PART 222—MUTUAL MORTGAGE INSURANCE, RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

In § 222.14 paragraph (d) (1) and (2) is amended, and paragraph (e) is amended by adding a new subparagraph (12) as follows:

§ 222.14 Satisfactory title evidence.

* * * * *

(d) * * *

(1) Customary easements for public utilities, party walls, driveways and other purposes;

(2) Customary building and use restrictions, when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

* * * * *

(e) * * *

(12) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER H—WAR HOUSING INSURANCE

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Part 277 is amended by adding a new § 277.3a as follows:

§ 277.3a Forbearance of foreclosure.

With respect to any mortgage insured under this part, if the Commissioner finds that a default was due to circumstances beyond the mortgagor's control and determines that the mortgage will be restored to a current condition within a reasonable period of time, the Commissioner may approve forbearance of foreclosure relief as follows:

(a) *Uncollected interest allowance.* The mortgagee may withhold foreclosure proceedings against the mortgagor for a period of time determined by the Commissioner. If payments received from the mortgagor during the period of forbearance are insufficient to pay interest at the mortgage rate after applying such payments in the order set forth in the mortgage and the mortgage is subsequently foreclosed, the debentures may include an allowance for uncollected interest accrued during the period of such forbearance.

(b) *Assignment of defaulted mortgages.* With the prior written approval of the Commissioner, the mortgagee may assign the mortgage in exchange for debentures. As a requirement of such assignment:

(1) The mortgagee shall deliver:

(i) The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(ii) All rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(iii) All title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner;

(iv) All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(v) All records, documents, books, papers and accounts relating to the mortgage transaction;

(vi) Any additional information or data which the Commissioner may require.

(2) The mortgagee shall certify that:

(i) The mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attach prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to such mortgage except such liens or other matters as may have been approved by the Commissioner;

(ii) The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(iii) There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 277.8.

Section 277.8 is amended by adding a new paragraph (d) as follows:

§ 277.8 Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".

* * * * *

(d) Upon an acceptable assignment of a mortgage, the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interpret or apply sec. 603, 55 Stat. 56, as amended; 12 U.S.C. 1738)

SUBCHAPTER N—NATIONAL DEFENSE HOUSING INSURANCE

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Part 295 is amended by adding a new § 295.5a as follows:

§ 295.5a Forbearance of foreclosure.

With respect to any mortgage insured under this part, if the Commissioner finds that a default was due to circumstances beyond the mortgagor's control and determines that the mortgage will be restored to a current condition within a reasonable period of time, the Commissioner may approve forbearance of foreclosure relief as follows:

(a) *Uncollected interest allowance.* The mortgagee may withhold foreclosure proceedings against the mortgagor for a period of time determined by the Commissioner. If payments received from the mortgagor during the period of forbearance are insufficient to pay interest at the mortgage rate after applying such payments in the order set forth in the mortgage and the mortgage is subsequently foreclosed, the debentures may include an allowance for uncollected interest accrued during the period of such forbearance.

(b) *Assignment of defaulted mortgages.* With the prior written approval of the Commissioner, the mortgagee may assign the mortgage in exchange for debentures. As a requirement of such assignment:

(1) The mortgagee shall deliver:

(i) The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(ii) All rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(iii) All title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner;

(iv) All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(v) All records, documents, books, papers and accounts relating to the mortgage transaction;

(vi) Any additional information or data which the Commissioner may require.

(2) The mortgagee shall certify that:

(i) The mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attach prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to such mortgage except such liens or other matters as may have been approved by the Commissioner;

(ii) The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(iii) There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 295.11.

Section 295.11 is amended by adding a new paragraph (d) as follows:

§ 295.11 Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".

* * * * *

(d) Upon an acceptable assignment of a mortgage, the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

(Sec. 907, 65 Stat. 301; 12 U.S.C. 1750f. Interpret or apply sec. 903, 65 Stat. 296, as amended; 12 U.S.C. 1750b)

Issued at Washington, D.C., April 8, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-3399; Filed, Apr. 13, 1960; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—MILITARY PERSONNEL

PART 65b—DROPPING RETIRED MILITARY PERSONNEL FROM THE ROLLS OF THE ARMED FORCES

The Acting Secretary of Defense approved the following on March 26, 1960:

Sec.
65b.1 Purpose.
65b.2 Scope.
65b.3 Policy.
65b.4 Action.

AUTHORITY: §§ 65b.1 to 65b.4 issued under sec. 161, R.S., 5 U.S.C. 22; sec. 8, 68 Stat. 1145, 5 U.S.C. 2287. Interpret or apply secs. 1161(b), 1163(b), 6408(b) of 10 U.S.C.

§ 65b.1 Purpose.

To prescribe a uniform policy governing the dropping from the rolls of the armed forces of members who are entitled to receive retired pay and who have been convicted by civil authorities.

§ 65b.2 Scope.

This part applies only to members of the armed forces who are not on active duty and who are entitled to receive retired pay.

§ 65b.3 Policy.

In view of the Act of August 25, 1958, Public Law 85-754 (72 Stat. 847; 10 U.S.C. 1161, note), by which Congress restored the retired pay of certain members who were dropped from the rolls of the armed forces for conviction by civil authorities, it is the policy of the Department of Defense that members of the armed forces who are entitled to receive retired pay may be dropped from the rolls of the armed forces for conviction by civil authorities only under section 8 of the Act of September 1, 1954, ch. 1214 (68 Stat. 1142; 5 U.S.C. 2281-2288); that is, when they are deprived of retired pay under that Act. This is in furtherance of the Department of Defense view that retired pay is earned and should be withheld only under extremely limited circumstances. In carrying out this policy, members shall be treated uniformly under substantially identical circumstances, regardless of their components.

§ 65b.4 Action.

Recommendations for dropping members from the rolls of the armed forces in accordance with this Part shall be forwarded to the Secretary of Defense for transmission to the President in accordance with Department of Defense Instruction 1320.4, "Military Officer Actions Requiring Presidential or Congressional Approval".

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

APRIL 7, 1960.

[F.R. Doc. 60-3368; Filed, Apr. 13, 1960; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 60-25]

PART 171—STANDARDS FOR NUMBERING

Missouri System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on March 29, 1960, approved the Missouri system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Missouri system shall be operative on and after April 1, 1960. On that date the authority to number motorboats principally used in the State of Missouri will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Missouri. On and after April 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Missouri will be required to be reported to the Missouri Boat Commission, Jefferson Building, Jefferson City, Missouri, pursuant to the Missouri Senate Bill No. 142 of the 70th General Assembly, approved June 16, 1959 and the rules and regulations of the Missouri Boat Commission.

Because the amendments to §§ 171.01-6(b), and 171.10-1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed:

Subpart 171.01—General

In § 171.01-6 *Temporary exemptions until July 1, 1960,* paragraph (b) is amended by deleting "Missouri" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

In § 171.10-1 *To whom made,* paragraph (b) is amended by inserting in the list of States having approved numbering systems the State of "Missouri."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: April 6, 1960.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-3400; Filed, Apr. 13, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2076]

[1049534]

OREGON

Order Opening Lands Under Section 24 of the Federal Power Act (Project No. 308)

1. Pursuant to filing of application for license on May 19, 1922 for Power Project No. 308, the following-described lands in the Wallowa National Forest were reserved from entry, location or other disposal under the public land laws, pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

WILLAMETTE MERIDIAN

T. 3 S., R. 45 E.
Sec. 32, NE¼NE¼;
Sec. 33, W½NW¼, SE¼NW¼, and N½ SW¼.

Totaling approximately 240 acres.

2. In its order of June 17, 1959, the Federal Power Commission modified the withdrawal to embrace only those lands located within the above-cited subdivisions as lie within 50 feet of the centerline survey of the pipeline right-of-way, and a tract of land 300 feet square at the point of diversion in Sec. 33, containing in all 10.92 acres.

3. The lands described in paragraph 1 of this order, less those described in paragraph 2, shall at 10:00 a.m. on July 8, 1960, be open to such forms of appropriation as may by law be made of national forest lands.

4. Until 10:00 a.m. on July 8, 1960, the lands shall be open only to application by the State of Oregon for the reservation to it or to any of its political subdivisions, of any of the opened land required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 8, 1960.

[F.R. Doc. 60-3379; Filed, Apr. 13, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13084; FCC 60-359]

PART 3—RADIO BROADCAST SERVICES

Remote Control Authorizations

1. Reference is made herein to: (a) The Commission's Order of April 25, 1958, modifying § 3.66(c)(4) of the rules; (b) Petition for Reconsideration thereof filed on May 26, 1958, by the International Brotherhood of Electrical Workers; (c) the Commission's Memorandum Opinion and Order adopted on July 29, 1959; (d) the Commission's Notice of Proposed Rule Making adopted on July 29, 1959; (e) Statement of International Brotherhood of Electrical Workers filed October 1, 1959.

2. Prior to the amendment of § 3.66 (c)(4) of the Commission's rules by the above referenced Order of April 25, 1958, it was required that: "An authorization for remote control will be issued only after satisfactory showing has been made in regard to the following, among others:

* * * * *

(4) The station, if authorized to operate with a directional antenna and/or with a power in excess of 10 kw, will be equipped so that it can be satisfactorily operated * * * on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power whichever is the lesser * * *".

Apart from the foregoing, which related only to authorization for remote control, the Commission's rules nowhere specify minimum transmitter power for CONELRAD operation. The power to be employed for CONELRAD use is, instead, determined by CONELRAD Field Supervisors on a case-to-case basis and is, in some instances, less than 50 percent of the licensed power. Such a station seeking authorization for remote control under the aforequoted portion of the rules might be required to install a new transmitter for operation on a CONELRAD frequency with 50 percent of maximum licensed power, simply to qualify for operation by remote control.

3. The above-referenced order of April 25, 1958, modified § 3.66(c)(4), quoted in part above, to the extent of adding a provision that the requirement thereof regarding power for CONELRAD operation would not apply in instances where the CONELRAD Field Supervisor certifies that power of less than 50 percent of maximum licensed power will provide satisfactory service under CONELRAD. In this order, the amendment was considered procedural in nature, and prior publication of the Notice of Proposed Rule Making was, accordingly, omitted as unnecessary.

4. In the Memorandum Opinion and Order adopted on July 29, 1959 the Commission granted the above-referenced International Brotherhood of Electrical Workers petition for reconsideration of the order of April 25, 1958 on the basis that the amendment effected thereby was, in fact, substantive and not procedural in nature, and that the rule making procedure provided by the Administrative Procedure Act had not been followed, although there was no finding that such procedure would have been either impracticable, unnecessary, or contrary to the public interest in this particular instance. The order of April 25, 1958 was vacated, with the effective date stayed, pending Commission action on the above-referenced Notice of Proposed Rule Making adopted on July 29, 1959, wherein it is proposed that §3.66 (c)(4) of the rules, quoted in part in paragraph 2 above, be amended by the addition of: *"Provided, however,* That the power may be less than 50 percent upon certification by the CENELRAD Field Supervisor that such a power will provide satisfactory service under CONELRAD."

5. In the Statement filed with the Commission on October 1, 1959, the International Brotherhood of Electrical Workers contends that the proposed amendment would: (a) Reduce the minimum power required for CONELRAD operation of remote control stations and in effect eliminate any requirement of an objectively determinable minimum; (b) redelegate to field supervisors responsibilities with respect to national defense which the President has delegated to the Commission; (c) overemphasize the importance of denying navigational aid to an enemy and neglect the increased importance of transmitting civil defense information to the public, with particular regard to evacuation and the dangers associated with radioactive fallout; (d) weaken the "framework for CONELRAD operations" which depends upon the total number of participating stations and their operating power which would thereby be reduced. The International Brotherhood of Electrical Workers is of the opinion that minimum CONELRAD power should be increased rather than decreased in view of "the necessities of Civil Defense." The International Brotherhood of Electrical Workers would allow the Commission to take cognizance of the special situation of licensees authorized for remote control operation prior to July 29, 1959, and, in individual cases, allow continued operation in accordance with the CONELRAD field supervisors' certifications. The International Brotherhood of Electrical Workers submits, however, that the Order of April 25, 1958, should be vacated.

6. The Commission has carefully considered the IBEW Statement which was the only response to the Notice of Proposed Rule Making of July 29, 1959, CONELRAD Field Supervisors, both before and after the amendment of April 25, 1958, have had the task of determining on a case by case basis with what power stations must operate to provide the needed CONELRAD coverage to the area. The CONELRAD Rules, which have been coordinated with the North American Air Defense Command (NORAD), specify a maximum power of 10 kw for CONELRAD operation but do not specify minimum power. The amendment would eliminate the dis-

parity between CONELRAD power capabilities as required by the remote control rules and those established individually by the CONELRAD Field Supervisors.

7. In accordance with §§ 3.920 and 3.921 of the Commission's rules: "CONELRAD activities under the authority of FCC are under the immediate supervision of three FCC Zone Supervisors whose respective zones are coextensive with the three Air Defense Force Areas * * * Each zone is divided into several divisions corresponding to USAF Air Divisions. An FCC Coordinating Engineer is assigned to each Air Division and has responsibility under the Zone Supervisor for all CONELRAD activities under the authority of FCC in his division." In accordance with one of the provisions of NORAD Regulation No. 55–7: "FCC NORAD Region Supervisor personnel are under the direct supervision of the U.S. Supervisor (CONELRAD) FCC, Washington, for the purpose of effecting rapid coordination on all matters relative to CONELRAD, and are responsible for directing the implementation of non-government CONELRAD plans for the NORAD Regions." Accordingly, while case-to-case decisions are made by field supervisors, the FCC and NORAD have indicated, apart from the proposed amendment, that there is every confidence in the ability of these supervisors to make the necessary determinations in the interest of national defense.

8. With regard to the importance of denying navigational aid to the enemy and of furnishing civil defense information to the public, Defense Commissioner Robert E. Lee has stated on a Special CONELRAD program of December 3, 1959:

> You may be interested in knowing that the CONELRAD requirement has recently been reevaluated by the Defense Department, and we have been advised that for the aforeseeable future, perhaps ten years, CONELRAD is a military as well as a Civil Defense requirement. This is not only to deny navigational aid but to deny intelligence to the enemy, and to deny interference to our own sophisticated offensive and defensive guided missiles.

At the same time, Mr. John A. McLaughlin, Administrative Secretary to the Secretary of the Air Force stated:

> The denial of navigational aid to the enemy in the event of an attack is a most important part of CONELRAD. But of equal importance is the strict control of all radiation devices which do not directly contribute to continental defense and necessary national operation.

It is further noted that evacuation and dangers associated with radio-active fallout are matters beyond the cognizance and jurisdiction of the FCC and neither can nor need be commented upon in the present context, except to the extent of noting that CONELRAD activities are properly coordinated with the Department of Defense, the Office of Civil and Defense Mobilization, Atomic Energy Commission, and other government organizations.

9. Operation on a CONELRAD basis is voluntary and the Commission has no control over the number of CONELRAD stations. In accordance with § 3.951 of the Commission's rules, the station desiring to participate in the CONELRAD system indicates its willingness and receives Commission authorization; any participating station may withdraw from the CONELRAD system simply by giving thirty days' notice and submitting its authorization for cancellation. This procedure would not be affected by the proposed amendment and, accordingly, the "framework for CONELRAD operations" will not be weakened by any reduction in the number of participating stations resulting from this amendment. As to weakening of CONELRAD by reducing the operating power of CONELRAD stations, in accordance with paragraph 7 above, there has been no reduction of any required minimum power for CONELRAD operation, and, in accordance with the Commission's records, there has not been a single instance of reduction in power by CONELRAD station authorized for remote control under the above-referenced Order of April 25, 1958. Instead, prior to this amendment of § 3.66(c)(4) of the Commission's rules, there were instances of stations satisfactorily equipped for normal and CONELRAD operations which were required to provide a third set of facilities for CONELRAD operation at high power in order to qualify for operation by remote control for normal operation. The Order of April 25 was adopted, albeit without a rule making procedure, in order to rectify this situation which had resulted in instances of undue hardship imposed upon station operators desiring remote control authorization. The presently proposed amendment, like its predecessor, would eliminate this situation and would not result in a reduction in power below CONELRAD operating practices in any instance. Accordingly, the Commission does not agree that the "frame-work for CONELRAD operations" would be weakened in any way by the proposed amendment.

10. Any consideration of increasing the power required for CONELRAD operations, as suggested by the International Brotherhood of Electrical Workers, is beyond the scope of this proceeding, and, in fact, would require coordination with government agencies other than the Federal Communications Commission.

11. In summation, the Commission has determined that the proposed amendment would not: (a) Reduce the "minimum power requirement" for CONELRAD operations; (b) have the effect of reducing the power of any CONELRAD station; (c) decrease the total number of CONELRAD stations; (d) delegate new and unusual responsibilities to CONELRAD field supervisors; (e) have the effect of a misinterpretation of the purpose of CONELRAD on the part of the Commission; or (f) weaken the "framework for CONELRAD operations." The Commission further finds that the primary effect of the amendment would be to eliminate a situation where the minimum power established by CONELRAD Field Supervisors on a case by case basis is different from the power which the remote control rules require that stations be equipped to use on a CONELRAD frequency.

12. Authority for the action taken herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

13. In view of the foregoing: *It is ordered,* That effective May 16, 1960: (a) Section 3.66 of the Commission's rules is hereby amended as set forth below; (b) the Stay of the Commission's Order of July 29, 1959, vacating the Commission's Order of April 25, 1958 is hereby removed and this order rendered permanently vacated; and (c) the proceeding In the Matter of Amendment of § 3.66 (Broadcast Service) of the Commission's rules relating to Remote Control Authorization is hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: April 8, 1960.

Released: April 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 3.66(c)(4) of the Commission's rules is amended to read as follows:

§ 3.66 Remote control authorization.

* * * * * *

(c) * * *

(4) The station, if authorized to operate with a directional antenna and/or with a power in excess of 10 kw will be equipped so that it can be satisfactorily operated in accordance with Subpart G of this part, on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power, whichever is the lesser, and that the necessary switching can be accomplished from the remote control position: *Provided, however,* That the power may be less than 50 percent upon certification by the CONELRAD Field Supervisor that such power will provide satisfactory service under CONELRAD.

[F.R. Doc. 60–3412; Filed, Apr. 13, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 1, 6]

ENTRY OF COMMERCIAL PASSENGER-CARRYING MOTOR VEHICLES TO PARKS WHERE CONCESSIONERS PROVIDE TRANSPORTATION SERVICES; SCHEDULE OF FEES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Section 3 of the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), it is proposed to amend 36 CFR Parts 1 and 6 by amending §§ 1.35, 1.36 and 6.3 as set forth below. The purpose of amending Part 1 is to clarify the sections of the regulations dealing with the entry of commercial passenger-carrying motor vehicles to certain parks where concessioners provide transportation services under their contracts with the Secretary of the Interior; the purpose of amending Part 6 is to revise the schedule of fees that necessarily follows as a result of the changes to Part 1.

These proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendments to the National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 8, 1960.

Section 1.35 *Automobiles operated for pleasure,* is amended to read as follows:

§ 1.35 Automobiles operated for pleasure.

The parks and monuments where common carrier service is established under authorization and supervision of the Government are open to automobiles operated for pleasure, including rental cars, provided the party using a rental car does not hire also the services of a driver. All permit fees required by this section shall be in accordance with schedules contained in § 6.2 of this chapter, and shall be paid at the park entrance upon arrival.

Section 1.36 *Commercial passenger-carrying motor vehicles,* is amended to read as follows:

§ 1.36 Commercial passenger-carrying motor vehicles.

(a) The commercial transportation of passengers by motor vehicle, except as authorized under a contract or permit from the Secretary or his authorized representative, is prohibited in Bryce Canyon, Crater Lake, Glacier (except that portion of the park road from the Sherburne entrance to the Many Glacier area), Grand Canyon (except the service road branch of the south entrance road serving park headquarters and Grand Canyon Village, including the portion of the south entrance road which lies between the park boundary and said service road), Grand Teton (except that portion of Highways Nos. 89 and 187, 287 and 26 commencing at the south boundary of the park and running in a northerly direction to the east boundary of the park), Lassen Volcanic (except those portions of Highway No. 89 and Highway No. 44 crossing the northwest corner of the park outside the Manzanita Lake checking station), Mount McKinley (except that portion of the Denali Highway between the Nenana River and the McKinley Park Hotel), Mount Rainier (except Highway No. 5, U.S. 410), Rocky Mountain, Sequoia-Kings Canyon, Yellowstone (except that portion of U.S. Highway 191 traversing the northwest corner of the park), Yosemite, and Zion National Parks, and Cedar Breaks National Monument. The following principles will govern the interpretation and enforcement of the section:

(1) Transportation is commercial if it is operated primarily as a business activity or for profit of the operator, or if any persons or organization may receive a profit, commission, fee, brokerage or other compensation for organizing, advertising, promoting, soliciting, or selling the trip or tour of which such transportation is a part.

(2) Transportation is commercial if payment therefor is made directly or indirectly to the operator: *Provided,* That bona fide sharing of actual expenses will not be deemed a payment.

(3) Transportation by a motor vehicle licensed as a commercial vehicle, or of commercial type, will be presumed to be commercial unless otherwise established to the satisfaction of the superintendent or his authorized representative.

(4) Transportation will not be deemed commercial for the sole reason that the motor vehicle is chartered or rented in good faith to the operator, by the owner, for general use at a charge based upon time or mileage or both. Nothing in this section is intended to prohibit the operation of pleasure type automobiles rented without a driver on the normal terms from the owner.

(5) Subject to the provisions of subparagraph (1) of this paragraph, transportation is not commercial if it is a part of a trip or tour initiated, organized, and directed by an established bona fide school or college, institution, society or other organization, as a nonprofit activity of such organization, and if all passengers are students, faculty, members or employees of such organization, or otherwise connected therewith, provided that credentials are presented at the park entrance from the head of such institution or organization indicating the trip is in accordance with the provisions stipulated herein. Clubs or associations having as a principal purpose the arranging of tours, trips, or transportation for their members will not qualify for admission into the above named parks under the provision of this paragraph.

(6) As used herein, "owner" means the person or organization having legal title, or all the incidents of ownership other than legal title, of a motor vehicle by which passengers may be transported, and includes a registered owner or a purchaser under a conditional sales contract. "Operator" means the person, organization, or group that arranges for the transportation, assumes responsibility for financial risk and management, and determines who shall be transported upon what terms, conditions, or charges. The operator may be the owner, but need not be.

(b) Passenger-carrying motor vehicles, otherwise admissible, that are so large as to require motorcycle escort in order to proceed safely over park roads, or which in the judgment of the superintendent are beyond the carrying capacity or safety factor of the roads, will not be permitted in the parks, except that, where they may satisfactorily enter and travel to park headquarters, they may be parked there during the period of stay.

(c) All entrance fees required by this section shall be in accordance with schedules contained in § 6.3 of this chapter, and shall be paid at the park entrance upon arrival.

Section 6.3 *Commercial passenger-carrying vehicles,* is amended to read as follows:

§ 6.3 Commercial passenger-carrying motor vehicles.

(a) *Fees.* Fees for commercial passenger-carrying motor vehicles admissible to the respective parks under § 1.36 of this chapter will be charged as follows:

	Amount per trip
Bryce Canyon National Park	$1.00
Crater Lake National Park	1.00
Glacier National Park	2.00
Grand Canyon National Park	1.00
Grand Teton National Park	1.00
Lassen Volcanic National Park	1.00

	Amount per trip
Mesa Verde National Park	[1] $1.00
Mount McKinley National Park	None
Mount Rainier National Park	1.00
Rocky Mountain National Park	1.00
Sequoia-Kings Canyon National Parks	2.00
Yellowstone National Park	3.00
Yosemite National Park	3.00
Zion National Park	1.00
Cedar Breaks National Monument	None

[1] Mesa Verde National Park is not included in the listing of parks under § 1.36 of this chapter. However, commercial passenger-carrying motor vehicles entering Mesa Verde National Park will be admissible after payment of the above fee at the park entrance upon arrival.

[F.R. Doc. 60-3380; Filed, Apr. 13, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 961, 1010]

[Docket Nos. AO-160-A22-RO1, AO-276-A2-RO1]

MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision With Respect to Proposed Amendments to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas, which was issued March 29, 1960 (25 F.R. 2769) is hereby extended through June 1, 1960.

Dated: April 8, 1960.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-3384; Filed, Apr. 13, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal and Refiling of Petition

In re: Notice of filing of a petition for issuance of a regulation establishing tolerances for calcium disodium (ethylenedinitrilo) tetraacetic acid in certain foods and deletion of certain foods from petition previously announced.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)) the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (24 F.R. 2434), The Dow Chemical Company, Midland, Michigan, has withdrawn a portion of its petition proposing the issuance of a regulation to establish tolerances for calcium disodium (ethylenedinitrilo) tetraacetic acid in certain foods, notice of filing of which was published in the FEDERAL REGISTER of June 26, 1959 (24 F.R. 5224). Such withdrawal is without prejudice to a future filing.

The previously announced petition has been broadened by the filing of a request to extend the regulation to certain additional foods.

Accordingly, the petition as now filed by the Dow Chemical Company proposes the issuance of a regulation to establish tolerances for calcium disodium (ethylenedinitrilo) tetraacetic acid when added as a chelating agent or as a preservative in foods, as follows:

(a) 100 parts per million in potato salad and sandwich spread.

(b) 75 parts per million in french dressing, mayonnaise, nonstandardized dressings, pineapple chunks, salad dressings, sauces, and toppings.

(c) 25 parts per million in malt beverages (beer).

This notice of filing supersedes that published on June 26, 1959 (24 F.R. 5224).

Dated: April 7, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-3387; Filed, Apr. 13, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 223]

[Economic Regs; Docket 11283]

TARIFFS OF AIR CARRIERS; FREE AND REDUCED RATE TRANSPORTATION

Notice of Proposed Rule Making

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 223 of its Economic Regulations which would permit air carriers and foreign air carriers to provide free transportation for technical in-flight observation by representatives of companies engaged in the development, testing and/or manufacture of aircraft or aircraft equipment. A report of such transportation would be required from the carriers.

This regulation is proposed under the authority of sections 204(a), 403(b), 407(a) and 416(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 759, 766, and 771; 49 U.S.C. 1324, 1373, 1377, and 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before May 13, 1960, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after May 17, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated: April 11, 1960.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Air carriers and foreign air carriers, which desire to provide free transportation to technical employees of companies engaged in the development, testing and/or manufacture of aircraft or aircraft equipment, for the purpose of in-flight observation of aircraft or equipment operated by the carrier, may currently apply for special authority from the Board.

Individual applications for such free transportation are granted by means of exemptions pursuant to sections 204(a) and 416(b) of the Act or by special approvals pursuant to Part 223 of the Economic Regulations.

Technical in-flight inspection and observation of aircraft and equipment normally serves the important objectives of promoting the safety, efficiency and reliability of air transportation services. Under present procedures a substantial burden is placed on the air carriers in preparing, and on the Board in processing, the numerous applications which are required to authorize a grant of the free transportation necessary to accomplish these objectives, and rarely do such applications present any substantive issues for the Board's consideration. We are of the view that this burden is not warranted in view of the nature and extent of the authorizations involved. Further, transportation of this kind is peculiarly related to the operations of a particular carrier and does not involve the normal elements of public convenience and necessity that apply to the transportation of persons generally. Under these circumstances, the Board believes that enforcement of the provisions of the Act and the Board's regulations thereunder which would otherwise require air carriers to obtain specific authority in this type of case may be an undue burden on them by reason of the limited extent of, or unusual circumstances affecting, their operations and is not in the public interest. These same considerations of burden and public interest apply equally to the domestic and international operations of air carriers and to operations conducted by foreign air carriers.

Therefore, as a means of facilitating the provision of the necessary free transportation for in-flight inspection and observation, it is proposed to issue a rule granting a blanket authorization for these purposes. In order, however, to assure that the free transportation is limited to that which has been authorized and to guard against possible abuses,

the Board is imposing an appropriate reporting requirement.

It is proposed to amend § 223.2 of Part 223 of the Economic Regulations to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

Any carrier may furnish free or reduced-rate transportation to those classes of persons as hereinafter set forth:

(a) Any carrier may provide free or reduced-rate transportation to any or all classes of persons specifically mentioned in section 403(b) of the Act;

(b) Any carrier engaged in overseas or foreign air transportation may provide free or reduced-rate overseas or foreign air transportation to:

(1) Directors, officers, and employees and members of their immediate families, of any affiliate of such carrier, the name of which affiliate currently is included in the list of affiliates filed by such carrier pursuant to § 223.7;

(2) Directors, officers, and employees and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mails by air, or conducting transportation by air, in a foreign country; and

(3) Other persons to whom such carrier is required to furnish free or reduce-rate transportation by law or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest.

(c) Any carrier authorized to carry persons in overseas or foreign air transportation may provide such authorized transportation free of charge to bona fide technical representatives of companies which have been engaged in the manufacture and/or development and/or testing of a particular type of aircraft or aircraft equipment, on condition that:

(1) Such transportation is for purposes of technical in-flight observation of such aircraft or equipment necessary in the interest of safety and/or improved efficiency and reliability of the operation of such aircraft or equipment;

(2) Such transportation is provided only when such representatives are engaged in specific technical in-flight observation of the carrier's aircraft or equipment or is provided by the same carrier for the purpose of necessary transit incidental to such duty; and

(3) Such transportation is reported to the Board in a statement to be filed within ten (10) days after the end of each calendar month, listing the name of each person provided such free transportation, his company affiliation, the specific purpose of such in-flight observation (e.g., to observe the performance of powerplants, etc.), and the dates, flights and points between which such free transportation was provided.

(d) Any air carrier authorized to engage in interstate transportation is hereby exempted from section 403 of the Act to the extent necessary to enable it to provide such transportation free of charge for the persons and purposes described in paragraph (c) of this section in accordance with the conditions and requirements set forth therein.

(e) Any air carrier not otherwise authorized to carry persons is hereby exempted from the provisions of section 401 of the Act to the extent necessary to enable it to carry persons in accordance with paragraphs (c) and/or (d) of this section.

[F.R. Doc. 60-3403; Filed, Apr. 13, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 43]

[Docket No. 13459; FCC 60-360]

ANNUAL REPORT FORMS

Wages and Hours of Employees

In the matter of amendment of schedules pertaining to wages and hours of employees in Annual Report Forms (Form M, Class A and Class B Telephone Companies; Form O, Wire telegraph and Ocean-cable Carriers; and Form R, Radiotelegraph Carriers); Docket No. 13459.

1. The Communications Workers of America (CWA), by letter dated September 4, 1959, suggested amendment of page 2 of Schedule 70C, Wages and Hours, of the Commission's annual report Form M.

2. CWA indicated that an examination of the schedules filed by telephone companies for the year ending December 31, 1958, reveals that the wage categories shown on page 2 of Schedule 70C are inadequate, since too many employees are being listed in the "$3.10 an hour and over" category. It states that interested parties are unable to obtain a true picture of the actual wage ranges. CWA suggests the schedule be revised to begin with a category of wages paid of "Less than $1.10" and add as many categories at 20 cent intervals as space will permit. CWA implies that it is satisfied that Schedule 70C should not be expanded in size beyond its present two pages. This means that about 15 wage categories are all that can be provided.

3. The present schedules have a range of wage categories beginning with "Less than $1.00" and extending first with six ten-cent intervals and then with seven twenty-cent intervals up to the fifteenth category which reads "$3.10 and over". The proposal suggested by CWA would spread the 15 wage reporting categories from "Less than $1.10" to "$3.70 and over".

4. Even though the Fair Labor Standards Act, as amended effective March 1, 1956, fixes the minimum wage for employees engaged in interstate commerce at $1.00 per hour, it is believed that Schedule 70C of Annual Report Form M should continue to contain provision for the reporting of the number of employees receiving less than $1.00 per hour. This causes the report to show affirmatively that there were none in this category, which will be the usual case, and also makes provision for easy reporting in the unlikely but possible event there were any employees in this earnings category. The Commission believes there is merit in the CWA proposal to broaden the wage intervals in the prescribed categories. Twenty-five cent wage intervals are, however, proposed rather than the 20-cent intervals recommended by CWA. This will permit a wider range of coverage within the maximum of 15 categories dictated by the desirability of keeping this listing on a single page of the report form.

5. It is proposed to amend Schedule 70C, Wages and Hours, Annual Report Form M, as follows:

(a) Delete the present columns (h) through (u), and substitute in lieu thereof new columns starting with column which will read "(h) $1.00 to $1.24," and continuing with each succeeding column covering a twenty-five cent interval to column (u) which will read "$4.25 and over".

(b) Change the example in instruction 2 to read appropriately for the new categories adopted.

6. It is proposed to amend Schedules 408A and 408B of Annual Report Form O (Wire-telegraph and Ocean-cable Carriers) and Schedule 408A of Form R (Radiotelegraph Carriers) in the same manner as proposed for Schedule 70C of Form M.

7. The Commission, in considering these proposed changes in the annual report forms, is aware of legislation pending before Congress to amend the minimum wage laws. In the event new wage standards are enacted before the finalization of this proceeding or at any time subsequent thereto, it is the intention of the Commission to revise, without further rule making proceedings, the schedules discussed herein to conform to the new wage standards adopted. The form of such contemplated revisions would be to establish one reporting interval for number of employees being paid less than the minimum wage fixed for general application in the Fair Labor Standards Act, thirteen 25-cent intervals commencing at the minimum wage, and one interval for all employees being paid in excess of the range covered by the highest 25-cent interval.

8. This notice of proposed rule making is issued under authority of sections 4(i) and 219 of the Communications Act of 1934, as amended.

9. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before May 9, 1960, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within twenty days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established.

The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: April 8, 1960.

Released: April 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3413; Filed, Apr. 13, 1960; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 13335]

CONELRAD ATTENTION SIGNAL

Transmission Standards; Order Extending Time for Filing Comments

In the matter of amendment of CONELRAD Manual BC-3 to provide for transmission standards for the CONELRAD Attention Signal; Docket No. 13335.

The Commission has before it for consideration a petition filed April 5, 1960, in this proceeding by the National Association of Broadcasters (NAB) requesting that the time for filing comments herein be extended to June 13, 1960.

The petition states that additional time will be needed to enable individual licensees to study the proposal in light of the additional information recently furnished them by the National Association of Broadcasters.

Upon consideration of the view expressed, the Commission believes the public interest would be served by granting an extension of time to June 13, 1960, to file comments.

Accordingly, it is ordered, This 8th day of April 1960, that the time for filing comments herein is extended from April 11, 1960 until June 13, 1960; and that the time for filing reply comments is extended from April 25, 1960 to June 27, 1960.

Released: April 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary,

[F.R. Doc. 60-3411; Filed, Apr. 13, 1960; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 13457; FCC 60-357]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

Louisville, Ky.; Richmond, Madison, and Muncie, Ind.; Oak Ridge, Tenn.

1. Comments are invited in the above-entitled matter looking toward amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, in the following respects:

City	Channel No.	
	Present	Proposed
Louisville, Ky.	3-, 11+, *15, 21-, 41-, 51-	3-, 11+, *15, 21-, 32, 41-, 51-
Madison, Ind.	25-	77+
Muncie, Ind.	49, *55+, 71	49, *55+, 83
Richmond, Ind.	32-	71
Oak Ridge, Tenn.	32+	79

2. The net effect of these proposed changes is to add Channel 32 without offset designation to Louisville; to delete 32 from Richmond, Indiana, and Oak Ridge, Tennessee, substituting 71 and 79 respectively; to delete 25 from Madison, Indiana, and substitute 77; and to delete 71 from Muncie, Indiana, and substitute 83.

3. There are presently operating in Louisville two VHF television stations (WAVE-TV, Channel 3, and WHAS-TV, Channel 11). Channel 7 was ordered assigned to Louisville in Docket No. 11757, but the assignment is not yet effective. A noncommercial educational station WFPK-TV, is operating on Channel 15. Construction permits are presently outstanding for Channels 21 and 41. Channel 21 operated from October 18, 1953, until April 20, 1954, and Channel 41 has never been on the air.

4. Petitioner, United Electronics Laboratories, Inc., has requested the proposed changes, or, alternatively, that the authorizations for Channels 21 and 41 be cancelled for failure to comply with construction permit requirements. It notes that it presently is an applicant for UHF Channel 51 in Louisville and that another application for Channel 51 there has been filed by Kentuckiana Television, Incorporated. Petitioner contends that, in view of the availability of an additional UHF channel without depriving any city of the number of channels presently allocated to it, it would serve the public interest to add an additional UHF channel to Louisville so that the applicants can render the service for which they have sought facilities, without the necessity of going through a comparative hearing. Petitioner further avers that the proposed reassignments would not involve dislocation of any existing station and that none of the frequencies are involved in pending applications.

5. Mid-America Broadcasting Corporation, permittee of Channel 21 at Louisville, opposes petitioner's "gratuitous suggestion that existing authorizations for television stations on Channel 21 and 41 in Louisville might be deleted so as to make one of the channels available to the petitioner." It contends the suggestion is not properly presented in the petition for rule making and that such portion of the petition should be dismissed.

6. Petitioner avers that the proposed changes would meet the mileage separation requirements of the rules and expresses an "earnest desire * * * to receive an authorization to construct so that it can commence operation at the earliest practicable date."

7. The Commission is of the opinion that the views of all interested parties should be solicited as to the desirability of assigning an additional UHF channel to Louisville at this time and to ascertain the prospects that such assignment by the Commission would lead to the early establishment of additional television service in Louisville.

8. Authority for the adoption of the amendments herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before May 13, 1960, and reply comments on or before May 27, 1960.

10. In accordance with the provision of § 1.54 of the Rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: April 8, 1960.

Released: April 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3414; Filed, Apr. 13, 1960; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 13458; FCC 60-358]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

Syracuse, N.Y.

1. Comments are invited in the above-entitled matter looking toward amendment of § 3.606 *Table of assignments,* Television Broadcast Stations in the following respects:

City	Channel No.	
	Present	Proposed
Syracuse, N.Y.	3-, 8, *43+	3-, 8, 37-, *43+
Clymer, N.Y.	37	----------

2. Channel 37 was originally allocated to Auburn, New York, about 23 miles from Syracuse. In 1956 it was reallocated to Clymer (with a 1950 population of 1,421) upon a representation that it would be used as a satellite station; however, the channel has not been applied for. Syracuse has two operating VHF television stations (WSYR-TV, Channel 3, and WHEN-TV, Channel 8). Although a construction permit has been issued for educational Channel *43, the station has never been on the air.

3. Petitioner, Springfield Television Broadcasting Corporation, alleges that Syracuse is the 50th market in the country, has a city population of 220,583 and a metropolitan area population of 341,719, and that the city needs and can support a third commercial channel. It further avers that Channel 37 can be assigned to Syracuse in full compliance with all applicable mileage requirements.

4. Daniel W. Casey, Sr., Robert J. Conan, T. Frank Dolan, Jr., and Richard

N. Groves (hereinafter referred to as the Syracuse Group) oppose the petition. The Syracuse Group supports the need of Syracuse for a third commercial television channel but states that, to be competitive, it must be a VHF channel. It notes that the nearest operating UHF stations are in Elmira and Binghamton, over 60 miles from Syracuse, and argues there is no reason to suspect that there is a single television receiver in the Syracuse area capable of receiving UHF signals. It traces the well-known difficulties faced by a UHF station which attempts to establish itself in a multiple VHF television market and terms the proposal "completely unworkable". It asks that the within petition be dismissed and that the petitions filed by the Syracuse Group and the American Broadcasting Company to add a VHF station to Syracuse be considered at an early date. It suggests that if the Commission desires to consider the instant proposal, that it be consolidated with the pending VHF proposals.

5. The American Broadcasting Company filed a statement to the effect that, while it does not oppose the petition, it does not believe that a UHF operation in Syracuse will satisfy the need for a third competitive service. It requests that we expedite consideration of the proposals to add a third VHF channel to Syracuse.

6. Petitioner states the Syracuse Group is confused when it seeks to analogize the introduction of a new VHF service in a UHF area with attempts to establish a UHF service in a VHF area; that the former is contrary to the public interest because its results would be the deterioration of the UHF service and a consequent loss in service to the public, whereas no one can seriously contend that attempts to establish a UHF service in a VHF area will result in any loss of service to the public. Petitioner admits it is well aware of the severe handicaps it would face in attempting to establish a UHF station in a multiple VHF market, that it is nevertheless willing to try, and to utilize profits from its other stations to support the UHF operation. If the proposal is adopted, it avers that it "intends to apply for and construct Channel 37".

7. The Commission is of the opinion that the views of all interested parties should be solicited as to the desirability of assigning a UHF channel to Syracuse at this time and to ascertain the prospects that such assignment by the Commission would lead to the early establishment in Syracuse of a third local commercial outlet operating on such UHF channel. As to the suggestion that this proposal be consolidated with those petitions for rule making to add a VHF channel to Syracuse we believe that in view of the status of negotiations with Canada affecting this proposal, and other relevant considerations, it is preferable to defer a decision at this time on those petitions. The rule making initiated herein is without prejudice to any decisions we may reach with respect to the proposals for an additional VHF channel at Syracuse.

8. Authority for the adoption of the amendments herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before May 13, 1960, and reply comments on or before May 27, 1960.

10. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: April 8, 1960.

Released: April 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3415; Filed, Apr. 13, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 195]

[Ex Parte MC-40 (Sub No. 1)[1]]

HOURS OF SERVICE OF DRIVERS

Notice of Proposed Rule Making

It appearing that the above-entitled proceeding is one which the Commission is authorized by the Interstate Commerce Act to refer to an examiner:

It further appearing that the notice of proposed rule making of December 1, 1958, in Ex Parte No. MC-40 (23 F.R. 9639), proposed (1) to vacate and set aside in their entirety §§ 195.10 and 195.11 pertaining to adverse driving conditions and permissive emergency operations, and, in lieu thereof, to so modify § 195.12 as to authorize driving in the event of adverse weather conditions; and (2) to establish a new § 195.11 relating to drivers declared "Out of Service" in the event of on duty or driving time in excess of permissible maxima;

It further appearing that the notice of proposed rule making of May 5, 1959, in Ex Parte No. MC-40 (24 F.R. 4142) proposed:

(1) To redefine the terms "on duty" and "driving time"; to delete the definition of the term "24 consecutive hours"; to substitute for the term "week" a definition of "7 consecutive days";

(2) To prescribe a maximum number of hours of driving and a maximum period of time on duty, following a driver's last 8 consecutive hours off duty; to prescribe a maximum time on duty in any period of 7 consecutive days; and to exclude from the said maximum limits, drivers of vehicles of specified design and weight;

(3) To prescribe a maximum driving distance of 375 miles following a driver's last 8 consecutive hours off duty; and

(4) To revise and clarify the requirements and instructions for keeping of drivers' logs;

It further appearing that the matters contained in the said Notices of Proposed Rule Making of December 1, 1958, and May 5, 1959, were by order of June 16, 1959, in Ex Parte No. MC-40, (24 F.R. 5160) assigned for hearing on a consolidated record, at a time and place to be fixed by the Commission;

It further appearing that the said order of June 16, 1959, provided for the filing of verified statements until July 1, 1959, in response to the said Notice of Proposed Rule Making of December 1, 1958, which would be considered, provided the persons filing such statements appeared at the hearing assigned herein for the purpose of cross-examination with respect to the matters contained in their verified statements; and that if the said witnesses did not appear for cross-examination their verified statements should be subject to a motion to strike;

And it further appearing that the petition dated May 28, 1958, of Oil Field Haulers Association, Inc., and Oil Field Haulers Conference of American Trucking Associations, Inc. (24 F.R. 4060), seeking a modification of the Motor Carrier Safety Regulations (49 CFR 195.2(c)) to provide that as to drivers used principally in the transportation of oil field equipment, including the stringing and picking up of pipe used in pipelines, any week may end with the beginning of any off-duty period of 24 hours or more successive hours, was, by order of May 5, 1959, in Ex Parte No. MC-40, assigned for oral hearing at the same time and place as the above-mentioned Notices of Proposed Rule Making:

It is ordered, That the matters contained in said Notice of Proposed Rule Making of December 1, 1958, and May 5, 1959, and the said petition be, and they are hereby, assigned before Examiner C. Evans Brooks for oral hearing on a consolidated record on the 23rd day of May 1960, at 9:30 o'clock United States standard time (or 9:30 o'clock a.m. daylight savings time, if that time is observed) at the Office of the Interstate Commerce Commission, Washington, D.C., and the recommendation of an appropriate order thereon accompanied by the reasons therefor;

And it is further ordered, That verified statements which have been submitted in response to the notice of proposed rule making of December 1, 1958, will be considered in this proceeding, provided that those persons who file such verified statements appear at the hearing assigned herein for the purpose of cross-examination with respect to the matters set forth in their verified statements; and if the said witnesses do not

[1] The notices of proposed rule making and petition of May 28, 1958, which are the subject of this order, were published in the FEDERAL REGISTER as indicated and numbered and titled as follows: Ex Parte No. MC-40, Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment. The number and title of this order is the sub-numbered proceeding in Ex Parte No. MC-40 under which these particular notices and said petition will henceforth be considered.

appear for cross-examination their verified statements shall be subject to a motion to strike.

Dated at Washington, D.C., this 8th day of April A.D. 1960.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-3394; Filed, Apr. 13, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

EXEMPTION OF CERTAIN TRANSACTIONS

Notice of Proposed Rule Making

Section 16(b) of the Securities Exchange Act of 1934 provides that profits realized from the purchase and sale, or the sale and purchase, within a period of less than six months, of any equity security of a company, having any class of equity securities registered on a national securities exchange, by an officer or director of such company, or by any person owning beneficially more than 10 percent of such registered security, shall inure to and be recoverable on behalf of the company. Rule 16b-3 has provided an exemption from these provisions for shares of stock acquired pursuant to bonus, profit sharing, retirement, thrift, savings or similar plans meeting specified conditions. The rule has also exempted the acquisition of non-transferable options and stock acquired under such options pursuant to a plan meeting similar conditions. The exemption for stock so acquired has been the subject of litigation. While decisions of the courts have looked both ways, doubt has been expressed as to the validity of the rule insofar as it relates to the acquisition of shares through the exercise of so-called "restricted" stock options.

Following a study of the rule in the light of these decisions, the staff recommended that, as a matter of policy, § 240.16b-3 (Rule 16b-3) be amended to delete the exemption for the acquisition of securities upon the exercise of non-transferable stock options and that the rule be amended to provide that the selection of persons participating in bonus, profit sharing, retirement, thrift, savings, option or similar plans be made by a board of directors, a majority of whom are disinterested, or by a disinterested committee.

On November 5, 1959 (Securities Exchange Act Release No. 6111), the Commission gave notice of the proposals of the staff and invited the submission of views and comments by interested persons. Many suggestions for technical improvement of the rule as proposed were received. In view of the changes effected in the proposed rule, as reproduced below, the Commission has determined to republish it for review and comment by interested persons.

§ 240.16b-3 Exemption from section 16(b) of acquisitions of shares of stock and restricted stock options under certain stock bonus, stock option or similar plans.

Any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant, or right) or any acquisition of a restricted stock option by a director or officer of the issuer of such stock or option shall be exempt from the operation of section 16 (b) of the Act if, in the case of stock, such stock was acquired pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings, or similar plan or, in the case of a restricted stock option, such option was acquired pursuant to a stock option plan, meeting the following conditions:

(a) The plan has been approved directly, or indirectly through the approval of a charter amendment authorizing stock for issuance pursuant to the plan or pursuant to the exercise of restricted stock option issuable pursuant to the plan, or otherwise:

(1) By the holders of a majority of the securities of the issuer present or represented and entitled to vote at a meeting for which proxies were solicited substantially in accordance with the rules and regulations, if any, then in effect under section 14(a) of the Act, whether or not such rules and regulations were applicable to such solicitation or by written consent of the holders of at least a majority of the securities of the issuer entitled to vote solicited substantially in accordance with such rules and regulations; or

(2) By the holders of a majority of the securities of a predecessor corporation entitled to vote, in the manner provided in subparagraph (1) of this paragraph, if the plan, or obligations to participate thereunder, were assumed by the issuer in connection with the transaction of succession.

(b) If the plan provides for discretion as to the selection of any of the persons to whom stock may be allocated or to whom restricted stock options may be granted pursuant to the plan, or the determination of the number of shares of stock which may be allocated to any such person or the number of shares of stock to be covered by restricted stock options which may be so granted to any person, then:

(1) Such discretion shall be exercised

(i) By the board of directors of the issuer, or

(ii) By or only in accordance with the recommendation of a committee of three or more persons (which may be the board of directors of an affiliate, identified by name or position in the plan) which has full and final authority to make such selection, determination or recommendation;

Provided, however, That, in any event, whether or not required by the plan, a majority of the directors acting in the matter and all of the members of such committee, as the case may be, are not eligible to participate in the plan or in any other similar plan of the issuer or any of its affiliates entitling the participants to receive or acquire stock or restricted stock options of the issuer or any of its affiliates; or

(2) In the event 50 percent or more of the directors of the issuer shall be eligible to participate in any such plan and, under the plan, such discretion is not exercised by or only in accordance with the recommendation of a committee as provided in subparagraph (1) of this paragraph;

(i) Such discretion as to any person who is not a director of the issuer shall be exercised by the board of directors or by a committee of three or more directors, and

(ii) The participation of directors, or the discretion exercised by the board of directors with respect to the participation of directors (including the number or the maximum number of shares which directors may receive or acquire or which may be covered by restricted stock options, and the times at which or the periods or maximum periods within which they may receive or acquire such shares or restricted stock options or within which such options may be exercised) shall be as specified in or subject to deteminable limitations specified in the plan (or shall be in accordance with, or subject to determinable limitations provided by, a formula based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors which will result in a determinable limitation, as set forth in the plan), or as approved, subsequent to the approval of the plan, by the security holders of the issuer in the same manner as contemplated by paragraph (a) of this section.

(c) (1) As to each participant or as to all participants the plan effectively limits the aggregate amount of funds or the aggregate number of shares of stock or dollar value thereof which may be allocated (or the aggregate number of shares of stock or dollar value thereof which may be covered by or delivered pursuant to restricted stock options granted pursuant to the plan) by limiting the maximum amount of the funds or the maximum number of shares or dollar value thereof which may be allocated (or the maximum number of shares or dollar value thereof which may be covered by or delivered pursuant to options to be granted). Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable or options outstanding thereunder to prevent dilution or enlargement of rights. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date, and may be determined either by fixed amounts of funds or numbers of shares or by formulas based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors

which will result in a determinable limitation.

(2) Unless the context otherwise requires, all terms used in this rule shall have the same meaning as in the Act or elsewhere in the general rules and regulations thereunder. In addition, the following definitions apply:

(i) The term "plan" includes all plans, whether or not set forth in any formal document;

(ii) The term "restricted stock option" means a restricted stock option as defined in section 421 of the Internal Revenue Code of 1954, as amended, and the regulations or rulings of the Internal Revenue Service thereunder.

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before April 20, 1960. All such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 6, 1960.

[F.R. Doc. 60-3383; Filed, Apr. 13, 1960; 8:46 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Order E-15085; Docket 11278 etc.]

NEW YORK-SAN JUAN CARGO RATES

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of April 1960.

Pan American World Airways, Inc. has proposed reductions ranging from 8 to 30 percent from the presently effective general commodity rates between New York and San Juan. The average reduction is about 20 percent in the seven weight breaks in each direction between the two points.

Riddle Airlines, Inc. has filed a complaint in Docket 11242 against the proposed reductions of Pan American. The carrier alleges the new rates are below operating costs, constitute an attempt to put the carrier out of business, and will result in the destruction of all-cargo service. Eastern Air Lines, Inc. has filed similar reductions, Riddle defensively filed reduced rates, and Trans Caribbean filed these reductions as well as other reductions in the upper weight breaks from New York to San Juan.

Earlier, Allied Air Freight, Inc., a freight forwarder handling substantial northbound shipments between New York and San Juan, filed a complaint in Docket 11027 against certain tariff changes of Pan American and Riddle which eliminated reduced rates in the upper weight breaks. Allied urges that the rates now applicable in the upper weight breaks are unjustly discriminatory, unduly preferential, or unduly prejudicial, and that a substantial portion of the present traffic to and from Puerto Rico will return to ocean freight and be lost to air transportation as a result of these tariff changes.

The reductions proposed by Pan American are substantial. The proposed reduced rates, as well as the earlier tariff changes which had the effect of increasing rates in the upper weight breaks, should be investigated to determine their cost and promotional justification. An investigation, therefore, will be instituted of the particular rates between New York and San Juan which have been the subject of complaint, and the issues, subject to pertinent and timely motions to the Board to expand the proceeding, will be limited to such rates.

We cannot find, however, that a suspension of the effectiveness of the proposed rates is warranted. Although the reductions are substantial, the resulting yields per ton-mile appear to provide Pan American ton-mile revenues near or higher than those resulting from the domestic minimum rate order, and do not appear to be so low as to indicate a need for suspension pending the investigation.

Accordingly, it is ordered, That:

1. An investigation is instituted to determine whether the general commodity rates published and filed by Eastern Air Lines, Inc., Pan American World Airways, Inc., Riddle Airlines, Inc., and Transportation Corporation of America, d/b/a Trans Caribbean Airways, between New York and San Juan and the rates applicable to Commodity Group 20 of the Riddle Airlines, Inc. tariff, C.A.B. 7, between such points, including all revisions or modifications of the aforesaid general or specific commodity rates, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferention, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. The complaints and answers in Dockets 11027 and 11242 are consolidated into the investigation ordered herein and, to the extent not herein granted, are dismissed.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order be served upon Allied Air Freight, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Riddle Airlines, Inc., and Transportation Corporation of America, d/b/a Trans Caribbean Airways, which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 60-3404; Filed, Apr. 13, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13090, 13107; FCC 60-348]

FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.

Order Amending Issues

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, et al., Docket No. 13090, File No. BP-11550; The Maryland Broadcasting Company (WITH), Baltimore, Maryland, Has 1230 kc, 250 w, U, 1230 kc, 250 w, 1 kw-LS, U, et al., Docket No. 13107, File No. BP-12451, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of April 1960;

The Commission having under consideration a petition filed February 19, 1960, by The Maryland Broadcasting Company requesting deletion of that part of Issue 10 of the Commission's Order released August 14, 1959 (FCC 59-861), as amended (FCC 60-99), which would determine whether the antenna system of The Maryland Broadcasting Company would constitute a hazard to air navigation, and a statement in support of the said petition, filed March 1, 1960, by the Commission's Broadcast Bureau;

It appearing that the antenna of The Maryland Broadcasting Company, as proposed, will not constitute a hazard to air navigation;

It is ordered, That the aforesaid petition for deletion of that part of Issue 10 of the aforesaid Order released August 14, 1959, which pertains to The Maryland Broadcasting Company, is granted, and that Issue 10 of the Commission's Order (FCC 59-861), as amended (FCC 60-99), is amended by deleting therefrom the reference to The Maryland Broadcasting Company (BP-12451).

Released: April 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3405; Filed, Apr. 13, 1960; 8:48 a.m.]

[Docket No. 13386; FCC 60M-627]

GENERAL TELEPHONE COMPANY OF THE NORTHWEST

Order Continuing Hearing

In the matter of General Telephone Company of the Northwest, Docket No. 13386; regulations and charges for supplemental equipment in connection with pulse data-in (slowed down video) transmission.

The Hearing Examiner having under consideration a petition filed April 6, 1960, on behalf of General Telephone Company of the Northwest requesting that the further prehearing conference now scheduled for April 12, 1960, be continued to April 26, 1960, or a later date; and

It appearing that the reason for the requested continuance is the fact that additional time is required to organize certain information in proper form for submission to the Commission's staff for their study; and

It further appearing that counsel for the Common Carrier Bureau has given his consent to the continuance, that immediate action on the petition is necessary, and good cause for the requested continuance having been shown;

It is ordered, This the 8th day of April 1960, that the petition for continuance is granted and the further prehearing conference in this proceeding now sched-

uled for April 12, 1960, is continued to May 17, 1960;

It is further ordered, That the evidentiary hearing now scheduled to begin April 20, 1960, is continued to a date to be announced at the conclusion of the further hearing conferences.

Released: April 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3406; Filed, Apr. 13, 1960; 8:48 a.m.]

[Docket No. 12908; FCC 60M-624]

LAIRD BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Laird Broadcasting Company, Inc., Cedar Rapids, Iowa, Docket No. 12908, File No. BP-11855; for construction permit for standard broadcast station.

The Hearing Examiner having under consideration the above-entitled proceeding in which hearing is presently scheduled to commence on April 12, 1960;

It appearing, that on April 7, 1960, a motion to dismiss protest and petition for reconsideration was filed by Telegraph Herald, the protestant, on which action cannot reasonably be expected prior to the presently scheduled date for hearing;

It is ordered, This 7th day of April 1960 on the Hearing Examiner's own motion that the hearing herein is continued without date.

Released: April 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3407; Filed, Apr. 13, 1960; 8:49 a.m.]

[Docket Nos. 13213, 13214; FCC 60M-626]

MOUNT WILSON FM BROADCASTERS, INC. (KBCA) AND FREDDOT, LTD. (KITT)

Order Continuing Hearing

In re applications of Mount Wilson FM Broadcasters, Inc. (KBCA), Los Angeles, California, Docket No. 13213, File No. BPH-2705; Freddot, Ltd. (KITT), San Diego, California, Docket No. 13214, File No. BMPH-5593; for construction permits (FM facilities).

The Hearing Examiner having under consideration a petition filed April 6, 1960, on behalf of both of the applicants herein requesting that the evidentiary hearing now scheduled to begin April 11, 1960 be continued indefinitely; and

It appearing that on April 6, 1960, both applicants filed a "Joint Petition for Reconsideration and Grants Without Hearing" and the requested continuance is to provide for time to enable the Commission to act on that pleading; and

It further appearing that counsel for the Broadcast Bureau has given his consent to the requested extension of time, that immediate action on said petition is necessary, and good cause for granting the requested continuance having been shown;

It is ordered, This the 8th day of April 1960, that the joint petition for indefinite extension of hearing date is granted and the evidentiary hearing now scheduled to begin April 11, 1960, is continued until after the Commission has acted on the "Joint Petition for Reconsideration and Grants Without Hearing".

Released: April 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3408; Filed, Apr. 13, 1960; 8:49 a.m.]

[Docket No. 12856; FCC 60M-625]

WSAZ, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing Conference

In the matter of WSAZ, Incorporated, complainant, v. American Telephone and Telegraph Company, defendant, Docket No. 12856.

As counsel for all parties are still attempting to reach a stipulation, on their joint oral request: *It is ordered,* This 8th day of April 1960, that the further prehearing conference now scheduled for April 19, 1960, is continued to Wednesday, May 11, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3409; Filed, Apr. 13, 1960; 8:49 a.m.]

[FCC 60-354]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

APRIL 11, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules, that on May 16, 1960, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to §§1.106(b)(1) and 1.361(b) of the Commission's rules, an application, in order to be considered with any application appearing on the list below, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on May 13, 1960, or (b) if action is taken by the Commission on any listed application prior to May 16, 1960, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut-off" because it was timely filed for consideration with an application on a previous such list.

Adopted: April 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPLICATIONS FROM THE TOP OF PROCESSING LINE

BP-12949 WNAU New Albany, Miss.
New Albany Broadcasting Co.
Has: 1470 kc, 500 w, Day.
Req: 1470 kc, 500 w, DA-N, U.

BP-12953 WOVE Welch, W. Va.
Welch Broadcasters, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12954 NEW Eugene, Oreg.
Eugene Broadcasters.
Req: 1320 kc, 1 kw, Day.

BP-12956 NEW Nashville, Ga.
Berrien Broadcasting Co.
Req: 1280 kc, 500 w, Day.

BP-12957 NEW Terrytown, Neb.
Terry Carpenter, Inc.
Req: 690 kc, 1 kw, Day.

BP-12958 WLSC Loris, S.C.
Loris Broadcasting Co.
Has: 1570 kc, 1 kw, Day.
Req: 1480 kc, 1 kw, Day.

BP-12974 WDXB Chattanooga, Tenn.
French, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-12975 NEW Clinchco, Va.
Dickenson County Broadcasting Corp.
Req: 1430 kc, 1 kw, Day.

BP-12976 WIKE Newport, Vt.
Memphremagog Broadcasting Co., Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-12977 WKDX Hamlet, N.C.
Risden Allen Lyon.
Has: 1400 kc, 250 w, U.
Req: 1250 kc, 1 kw, Day.

BMP-8491 WIOI New Boston, Ohio.
WIOI, Inc.
Has CP: 1010 kc, 500 w, Day.
Req MP: 1010 kc, 1 kw, Day.

BP-12989 KOZI Chelan, Wash.
Lake Chelan Broadcasting Corp.
Has: 1220 kc, 1 kw, Day.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-12990 NEW Gainesville, Fla.
Southern Broadcasting Co. of Marianna, Inc.
Req: 1390 kc, 5 kw, Day.

BP-12991 WHCU Ithaca, N.Y.
Cornell University.
Has: 870 kc, 1 kw, Limited.
Req: 870 kc, 1 kw, 5 kw-LS Limited.

BP-12992 NEW Medford, Oreg.
Medford Broadcasters.
Req: 860 kc, 1 kw, Day.

BP-12993 KRNO San Bernardino, Calif.
Western Empire Broadcasters, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12994 NEW Barstow, Calif.
Beam Broadcasting Co.
Req: 1310 kc, 500 w, Day.

BP-12995 WOMI Owensboro, Ky.
Owensboro Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-12996 NEW Newport Beach, Calif.
Yeakel Broadcasting Co.
Req: 1420 kc, 5 kw, DA, Day.

BP-12999 KUBA Yuba City, Calif.
Peachbowl Broadcasters Inc.
Has: 1600 kc, 500 w, 1 kw-LS, DA-N, U.
Req: 1600 kc, 500 w, 5 kw-LS, DA-N, U.

BP–13000 NEW Blountstown, Fla.
Sunshine Radio Co.
Req: 1370 kc, 1 kw, Day.

BP–13001 KREW Sunnyside, Wash.
Cole E. Wylie.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–13002 KTTR Rolla, Mo.
"Show-Me" Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–13004 NEW Iuka, Miss.
E. C. Holtsford.
Req: 1270 kc, 1 kw, Day.

BP–13005 NEW Taos, N. Mex.
Art Capitol Broadcasting Co.
Req: 1340 kc, 250 w, U.

BP–13006 WCMB Harrisburg, Pa.
Rossmoyne Corp.
Has: 1460 kc, 5 kw, DA–2, U.
Req: 1460 kc, 5 kw, DA–N, U.

BP–13007 NEW Winnsboro, S.C.
Robert H. Epperson.
Req: 980 kc, 500 w, Day.

BP–13008 NEW Espanola, N. Mex.
B and M Broadcasters, Inc., N.S.L.
Req: 970 kc, 1 kw, Day.

BP–13009 NEW North Wilkesboro, N.C.
Stuart W. Epperson.
Req: 1570 kc, 1 kw, Day.

BP–13010 KABL Oakland, Calif.
The McLendon Pacific Corp.
Has: 960 kc, 1 kw, U.
Req: 960 kc, 5 kw, DA–1, U.

BP–13013 KSUE Susanville, Calif.
James E. McKahan.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–13015 WSIR Winter Haven, Fla.
Hundred Lakes Broadcasting Corp.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–13017 NEW Brookfield, Conn.
Eastern Broadcasting System, Inc.
Req: 940 kc, 1 kw, Day.

BP–13018 NEW Honolulu, Hawaii.
Casey Broadcasting Associates.
Req: 1090 kc, 5 kw, U.

BP–13021 NEW Blackshear, Ga.
Dixie Radio, Inc.
Req: 1310 kc, 1 kw, Day.

BP–13022 NEW St. George, S.C.
Radio St. George.
Req: 1300 kc, 500 w, Day.

BP–13023 WTOR Torrington, Conn.
The Torrington Broadcasting Co., Inc.
Has: 1490 kc, 250 w, U.
Req: 610 kc, 1 kw, DA–2, U.

BP–13025 NEW Millington, Tenn.
Radio Millington, Inc.
Req: 1380 kc, 500 w, Day.

BP–13026 NEW Sonora, Tex.
Ward Broadcasting Co.
Req: 1240 kc, 250 w, U.

BP–13027 WCOW Sparta, Wis.
Sparta-Tomah Broadcasting Co., Inc.
Has: 1290 kc, 1 kw, Day.
Req: 1290 kc, 5 kw, Day.

BP–13028 NEW Vancouver, Wash.
Gordon A. Rogers.
Req: 1550 kc, 1 kw, Day.

BP–13036 WRNB New Bern, N.C.
Jefferay Broadcasting Corp.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–13038 WMFD Wilmington, N.C.
Dunlea Broadcasting Industries, Inc.
Has: 630 kc, 1 kw, DA–2, U.
Req: 630 kc, 1 kw, 5 kw–LS, DA–2, U.

APPLICATIONS ON WHICH 309(b) LETTERS HAVE BEEN ISSUED

BP–12955 NEW Hammonton, N.J.
Dinkson Corp.
Req: 690 kc, 250 w, Day.

BP–12981 NEW Elkton, Md.
Suburban Broadcasting Corp.
Req: 1550 kc, 250 w, DA, Day.

BP–12998 WMGA Moultrie, Ga.
Radio Station WMGA.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–13003 WKEU Griffin, Ga.
Radio Station WKEU.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13014 WDUZ Green Bay, Wis.
Green Bay Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–13024 WHGB Harrisburg, Pa.
Kendrick Broadcasting Co., Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–13031 NEW Canandaigua, N.Y.
Canandaigua Broadcasting Co., Inc.
Req: 1550 kc, 250 w, Day.

[F.R. Doc. 60–3410; Filed, Apr. 13, 1960; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–20091]

ATLANTIC SEABOARD CORP.

Notice of Application and Date of Hearing

APRIL 8, 1960.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation, with its principal place of business in Charleston, West Virginia, on November 6, 1959 filed in Docket No. G–20091, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing Applicant to construct and operate additional main line facilities in Virginia and Maryland to increase the capacity of its 26" Cobb-Baltimore pipeline.

The proposed facilities are designed to enable Applicant to meet the increased requirements of its existing customers during the 1960–61 winter season.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 13.4 miles of 26-inch transmission pipeline looping a section of its existing 26-inch main line between the Lost River Compressor Station and Dranesville, Virginia. This will complete the looping of Atlantic's 26-inch line from its point of origin at the Cobb Compressor Station in West Virginia to its connection with the main 20-inch Boldman-Baltimore line.

(2) Approximately 6.4 miles of 20-inch transmission pipeline further extending an existing loop of its 20-inch line near Baltimore.

Applicant estimates the total capital cost of its proposed project at $1,946,300, and states that the subject facilities will be financed as its previous construction has been, through the sale of 25-year installment Promissory Notes and Common Stock to its parent, The Columbia Gas System, Inc.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure on or before April 28, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–3372; Filed, Apr. 13, 1960; 8:45 a.m.]

[Docket No. CP60–35]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

APRIL 8, 1960.

Take notice that on February 15, 1960, Midwestern Gas Transmission Company (Applicant) filed an application in Docket No. CP60–35 for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, seeking authorization to sell and deliver up to 80,000 Mcf of natural gas per day, on an interruptible basis, to American Louisiana Pipe Line Company (American Louisiana) at a proposed interconnection of the two pipeline systems in Spencer County, Indiana.[1]

The proposed sale and delivery is to be made under Applicant's proposed Rate Schedule SI–1 and pursuant to a gas service contract, dated February 4, 1960, between Applicant and American Louisiana, providing for the sale only until March 31, 1961.

Applicant states that experience obtained in operating its existing pipeline system during the 1959–1960 winter has proven that even during the winter months it has volumes of surplus gas available for sale on its system because its contract demand customers fail to take all the gas to which they are contractually entitled. Since Applicant has no underground storage facilities by which it can store this surplus gas, it proposes herein to dispose of it, when available, through sale to American Louisiana.

The proposed service will not require the construction of any additional facilities.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and pro-

[1] A proposal requesting authorization of this interconnection for the exchange of gas is now pending before the Commission in Docket No. G–20353.

cedure, a hearing will be held on June 2, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3373; Filed, Apr. 13, 1960; 8:45 a.m.]

[Docket No. G-20085, etc.]

UNION PRODUCING CO. ET AL.

Order Permitting Superseding Rate Filing and Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

APRIL 7, 1960.

In the matter of Union Producing Company, Docket No. G-20085; Texaco Inc., Docket No. RI60-233; Trice Production Company, Docket No. RI60-234; Shell Oil Company (Operator), Docket No. RI60-235; Shell Oil Company, Docket No. RI60-236; James P. Evans, Jr., et al., Docket No. RI60-237; Sinclair Oil & Gas Company, Docket No. RI60-238; Pan American Petroleum Corporation (Operator), et al., Docket No. RI60-239; Warren Petroleum Corporation, Docket No. RI60-240; Ravencliffs Development Company, Docket No. RI60-241; Southern Union Gas Company, Docket No. RI60-242.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supp. No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in Docket Nos.—
									Rate [2] in effect	Proposed increased rate [2]	
G-20085	Union Producing Co.	92	1 to 6 [3]	United Gas Pipeline Co. (Maxie and Pistol Ridge Fields, Forrest, Lamar, and Pearl River Counties, Miss.).	3-11-60	3-14-60	4-14-60	4-24-60	20.0	23.0	G-13813
		222	1 to 2 [4]	United Gas Pipeline Co. (Maxie and Pistol Ridge Fields, Forrest, Lamar, and Pearl River Counties, Miss.).	3-11-60	3-14-60	4-14-60	4-24-60	20.0	23.0	----
RI60-233	Texaco Inc.	54	4	Tennessee Gas Transmission Co. (Santellana Field, Hidalgo County, Tex.).	Undated	3-9-60	4-9-60	9-9-60	13.125	17.24347	----
RI60-234	Trice Production Co.	6	1	El Paso Natural Gas Co. (Clear Fork Field, Midland County, Tex.).	3-2-60	3-8-60	4-15-60	9-15-60	11.0	17.0	----
RI60-235	Shell Oil Co. (Operator).	19	12	El Paso Natural Gas Co. (TXL Gasoline Plant, Ector and Winkler Counties, Tex.).	3-7-60	3-9-60	4-9-60	9-9-60	10.885	16.1377	G-16255
RI60-236	Shell Oil Co.	134	8	El Paso Natural Gas Co. (various fields, Andrews County, Tex.).	3-7-60	3-9-60	4-9-60	9-9-60	10.3072	15.7093	G-16254
		142	4	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	3-7-60	3-9-60	4-9-60	9-9-60	14.1723	18.243	G-16254
RI60-237	James P. Evans, Jr., et al.	[5] 2	----	United Gas Pipe Line Co. (Baxterville Field, Lamar and Marion Counties, Miss.).	8-27-59	3-11-60	4-11-60	9-11-60	([6])	----	----
		2	1		3-8-60	3-11-60	4-11-60	9-11-60	----	22.883	----
RI60-238	Sinclair Oil & Gas Co.	30	2	Lone Star Gas Co. (Alechem Field, Carter County, Okla.).	3-10-60	3-14-60	4-14-60	9-14-60	11.0	16.8	G-14056
RI60-239	Pan American Petroleum Corp. (Operator), et al.	219	3	United Fuel Gas Co. (Erath Field, Vermilion Parish, La.).	3-11-60	3-14-60	4-14-60	9-14-60	22.1	22.881	----
RI60-240	Warren Petroleum Corp.	([6])	15	Texas Eastern Transmission Corp. (Delhi Gasoline Plant, Richland Parish, La.).	3-3-60	3-11-60	4-11-60	9-11-60	15.5956	[7] 16.0058	----
RI60-241	Ravencliffs Development Co.	1	21	Amere Gas Utilities Co. (Wyoming and Raleigh Counties, W. Va.).	Undated	3-14-60	4-15-60	9-15-60	25.0 28.0	[8] 25.75 [9] 28.75	G-17312 G-17312
RI60-242	Southern Union Gas Co.	4	3	El Paso Natural Gas Co. (Noelke Field, Crockett County, Tex.).	3-11-60	3-14-60	4-14-60	9-14-60	12.0767	14.5	G-19483

[1] The stated effective dates are those requested by respondents or the first day after expiration of the required 30 days' notice, if later.
[2] The rates are at a pressure base of 14.65 p.s.i.a. in Docket Nos. RI60-233, RI60-234, RI60-235, RI60-236, RI60-238, and RI60-242. The rates in the other dockets are at a pressure base of 15.025 p.s.i.a.
[3] Supersedes Supplement No. 6, suspended under Docket No. G-20085.
[4] Supersedes Supplement No. 2, suspended under Docket No. G-20085.
[5] James P. Evans, Jr., et al., files its FPC Gas Rate Schedule No. 2 to replace its Rate Schedule No. 1, as amended. The rate in effect under Rate Schedule No. 1 is 11.979 cents per Mcf.
[6] 18 A and B.
[7] Includes 1.35 cents per Mcf for handling deducted by purchaser.
[8] Gravity gas.
[9] Compressed gas.

On October 21, 1959, Union Producing Company (Union) tendered for filing two proposed increased rates of 24.0¢ per Mcf. These proposals were designated Supplement No. 6 to Union's FPC Gas Rate Schedule No. 92 and Supplement No. 2 to Union's FPC Gas Rate Schedule No. 222. These supplements were suspended under Docket No. G-20085 until April 24, 1960, and until they are made effective in the manner prescribed by the Natural Gas Act. Union now tenders for filing two lesser increased rates of 23.0¢ per Mcf to supersede its previous proposals. The new proposed rates, designated Supplement No. 1 to 6 and Supplement No. 1 to 2 to the rate schedules involved, may be filed and should be suspended until the same time as the superseded supplements.

In support of its proposed favored-nation rate increase, Texaco Inc. (Texaco) cites its contract and a triggering rate increase. Texaco states that the pricing provisions in its contract were essential consideration, designed partially to compensate seller for increasing costs. Texaco also states that exploratory expenditures have increased because of drilling at deeper depths and in more inaccessible places. Texaco further states that the proposed rate is less than the going price for gas in the area.

In support of its renegotiated increased rate, Trice Production Company (Trice) states that it recently renegotiated its contract with the elimination of a favored-nation clause, that the contract was renegotiated at arm's length, that the contract provides for the proposed rate, and that the elimination of the favored-nation clause stabilizes gas prices to the public benefit.

In support of their proposed favored-nation rate increases, Shell Oil Company (Operator) (Shell) and Shell Oil Company (Shell) cite triggering rate increases and state their contracts were negotiated at arm's length with pricing provisions as essential consideration for the long terms of the contracts.

James P. Evans, Jr., et al. (Evans) tenders for filing a renegotiated contract to replace its present FPC Gas Rate Schedule No. 1, as amended. In support of its proposed increased rate, Evans states that the contract was renegotiated at arm's length and that the proposed rate is necessary to offset rising costs and to encourage exploration and development.

In support of its proposed favored-nation rate increase, Sinclair Oil & Gas Company (Sinclair) cites a triggering price and states that an equal initial rate has been certificated by the Commission, that the proposed rate is in line with recently negotiated prices in the area, and that its contract was negotiated at arm's length.

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

In support of its proposed redetermined increased rate, Pan American Petroleum Corporation (Operator), et al. (Pan American) cites its contract and submits a redetermination agreement. Pan American states that its contract was negotiated at arm's length, that gas is underpriced in comparison to competing fuels, that producer prices should be based on the average of currently negotiated prices in the area, and that the proposed rate is below currently negotiated prices in the area.

In support of its proposed periodic rate increases, Warren Petroleum Corporation (Warren) states its contract was negotiated at arm's length, the pricing provisions were essential consideration for the long term of the contract, and the proposed rates are less than the going price for gas in the area. Warren also submits questionable cost data.

In support of its proposed increased rates, Ravencliffs Development Company (Ravencliffs) cites the redetermined price provisions of its contract and states that its utility purchaser has paid higher rates to pipelines. Ravencliffs refers to previously submitted questionable cost data and further submits evidence of certain increased costs.

Southern Union Gas Company (Southern Union) previously tendered for filing its Supplement No. 3 to Southern Union's FPC Gas Rate Schedule No. 4. By order issued January 8, 1960, under Docket No. G–19483, the Commission substituted Supplement No. 3 for Supplement No. 2 and suspended No. 3. Southern Union objected to the substitution; and by order issued March 1, 1960, the Commission reinstated Supplement No. 2 and rejected No. 3, without prejudice to its retender after Supplement No. 2 became effective. Supplement No. 2 is now effective subject to refund and Southern Union resubmits its Supplement No. 3, along with certain questionable cost data.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Permission should be granted for the filing of Supplement No. 1 to 6 to Union's FPC Gas Rate Schedule No. 92 to supersede Supplement No. 6 and for the filing of Supplement No. 1 to 2 to Union's FPC Gas Rate Schedule No. 222 to supersede Supplement No. 2.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Permission is hereby granted for the filing of Supplement No. 1 to 6 to Union's FPC Gas Rate Schedule No. 92 to supersede Supplement No. 6 and for the filing of Supplement No. 1 to 2 to Union's FPC Gas Rate Schedule No. 222 to supersede Supplement No. 2.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated rate schedule and supplements.

(C) Pending hearings and decisions thereon, each of the above-designated rate schedule and supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the rate schedule nor supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before May 23, 1960.

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–3376; Filed, Apr. 13, 1960; 8:45 a.m.]

[Docket No. G–11872 etc.]

OLIN GAS TRANSMISSION CORP. ET AL.

Notice Reconvening Hearing

APRIL 8, 1960.

In the matter of Olin Gas Transmission Corporation, Docket No. G–11872; H. L. Hunt, Docket No. G–12029; Estate of Lyda Bunker Hunt, Deceased, Docket No. G–12035; Secure Trusts, Docket No. G–12036; Southern Natural Gas Company, Docket No. G–12225.

Pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, take notice that the hearing previously convened and recessed on September 10, 1957, subject to further order of the Commission, will be reconvened on May 4, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in the above entitled proceedings, including applications for abandonment of service filed by H. L. Hunt, Estate of Lyda Bunker Hunt, Deceased, and Secure Trusts filed on March 21, 1960, and an amendment to its application filed March 25, 1960, by Olin Gas Transmission Corporation seeking abandonment of service and facilities and a notice of withdrawal of application filed on February 25, 1960, by Southern Natural Gas Company for the reason that production from the Grandison No. 5 Well, Section 9, Township 19 South, Range 23 East (Coffee Bay Field), LaFourche Parish, Louisiana, commenced under temporary authority, can not be obtained in commercial quantities and that the continuation of service is unwarranted: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–3374; Filed, Apr. 13, 1960; 8:45 a.m.]

[Docket No. CP60–18]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

APRIL 8, 1960.

Take notice that Texas Gas Transmission Corporation (Applicant), a "natural gas company" with its principal place of business in Owensboro, Kentucky, filed an application pursuant to section 7 of the Natural Gas Act in Docket No. CP60–18 on January 29, 1960, as supplemented on February 10 and March 3, 1960, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities hereinafter described and the sale and delivery of up to 5,000 Mcf of natural gas per day through said facilities. The facilities proposed consist of a meter station and equipment, the estimated cost of which is $4,825 to be paid from cash on hand.

The proposed sale of gas from the Applicant's natural gas pipeline system is to be made to the City of Indianapolis, Indiana, on an interruptible basis and the maximum volume to be delivered over a period of time is approximately 1,070,000 Mcf. which gas so delivered is to be used by Indianapolis to test an area for storage purposes.

The rate to be charged is the same as that now being charged for industrial gas use in Zone 3 of Applicant's service area (28.69 cents per Mcf).

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (19 CFR 1.8 or 1.10) on or before April 29, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3375; Filed, Apr. 13, 1960; 8:45 a.m.]

[Project No. 298]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Land Withdrawal; Amendment

APRIL 8, 1960.

By letter of withdrawal notice dated December 14, 1923, to the then General Land Office, as supplemented by letter of interpretation dated May 26, 1936, and Commission order of August 10, 1937, some 1580.79 acres of lands of the United States are reflected upon the records of that office as being reserved pursuant to the filing of application on December 12, 1923, for the subject project, now under license to the applicant company.

A re-examination of the project record discloses that the aforesaid withdrawal notice erroneously described the lands as being reserved by full legal subdivisions rather than defining them as only the portion thereof affected by the project works as delimited upon the maps accompanying said notice.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the notice of December 14, 1923, is amended to include only those lands of the United States as hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All portions of the following described subdivisions lying within the project boundaries of Upper Monarch, Silver, Lady Franklin and Eagle Lakes, all as more accurately described on a map designated as "Exhibit K" and entitled "Detail Map of Kaweah Project" (F.P.C. No. 298-2) filed December 12, 1923:

T. 17 S., R. 31 E.,
Sec. 13: S½NW¼, SW¼;
Sec. 24: N½NW¼;
Sec. 25: S½NW¼, N½SW¼, W½SE¼, SE¼SW¼;
Sec. 28: SE¼.

130.9 acres

All portions of the following subdivisions lying within a strip varying from 200 to 400 feet in width for conduit, penstock,. telephone line and other appurtenant project facilities rights-of-way all as more accurately described on map sheets designated as "Exhibit K" and entitled "Detail Map of Kaweah Project" (F.P.C. No. 298-3 and 5) filed December 12, 1923:

T. 17 S., R. 29 E.,
Sec. 3: Lots 7, 8, 9;
Sec. 5: N½SE¼;
Sec. 7: NE¼NE¼;
Sec. 8: SE¼SE¼;
Sec. 9. W½SE¼;
Sec. 37: Lots 1, 2, 3, 4;
Sec. 38: Lots 2, 3, W½SE¼, SE¼SE¼;
Sec. 39: Lots 3, 4, 5, 6, SW¼NE¼, S½NW¼, NE¼SW¼;
Sec. 40: Lot 1, SE¼NE¼.

128.07 acres

This corrected notice supersedes in its entirety the notice dated December 14, 1923, as modified, and the acreage of lands of the United States reserved pursuant to the above filing is thereby reduced to 258.97 acres, of which 128.07 acres are within the Sequoia National Forest.

On March 30, 1959, the Southern California Edison Company, licensee in project No. 298, filed amendatory application for license to authorize the operation and maintenance upon lands of the United States certain access roads and changes in the project boundaries in the vicinity of the spillway water courses of Kaweah No. 1 plant.

In accordance with the provisions of Section 24 of the act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands of the United States hereinafter described are included in project No. 298 as of the date of filing cited in the preceding paragraph.

All portions of the hereinafter described subdivisions lying within 50 feet of the center line survey of the access road rights-of-way, plus an additional tract of land embracing 7.65 acres located in the vicinity of the spillway water courses (SE¼SE¼, sec. 8), all as more accurately described on map sheets designated "Exhibit K" and entitled "Detail Map of Kaweah No. 3 Project" and "Detail Map of Kaweah No. 1 Project" (F.P.C. No. 298-7 and 8) respectively, filed March 30, 1959.

T. 17 S., R. 29 E.,
Sec. 8: SE¼SE¼;
Sec. 17: E½NE¼;
Sec. 37: Lots 3, 4, 5, 6, S½NE¼.

The additional area reserved by the filing of this amendatory application is 31.19 acres, 11.00 acres of which have been previously withdrawn in Power Site Classification No. 185.

Copies of the amendatory maps "Exhibit J and K" (F.P.C. No. 298-6, 7 and 8) have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3377; Filed, Apr. 13, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2555]

CEMEX OF ARIZONA, INC.

Notice and Order for Hearing

APRIL 8, 1960.

I. Cemex of Arizona, Inc. (issuer), an Arizona corporation, P.O. Box 1849, 3720 E. 32d Street, Yuma, Arizona, filed with the Commission on November 17, 1958 a notification on Form 1-A and an offering circular relating to a proposed offering of 300,000 shares of its 25-cent par value common stock at $1 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on February 16, 1960 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be heard at the State A.S.C. Committee Conference Room, 1001 North First Street, Phoenix, Arizona at 10:00 a.m., April 18, 1960 with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the value of the assets of the issuer and the failure to disclose the pendency of litigation against a principal officer of the issuer for fraud and abuse of trust.

B. Whether the offering has been and would be made in violation of Section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered,* That James Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Cemex of Arizona, Inc.; that notice of the entering of this order should be given to all other persons by general releases of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before April 16, 1960, a request relative thereto as provided in

Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-3381; Filed, Apr. 13, 1960; 8:46 a.m.]

[File No. 811-659]

CIVIL AND MILITARY INVESTORS MUTUAL FUND, INC.

Order Denying Modification of Order Declaring Name Deceptive and Misleading

APRIL 8, 1960.

Civil and Military Investors Mutual Fund, Inc., having filed a motion for modification of the Commission's Order of June 9, 1958, which declared its name to be deceptive and misleading;

Hearings having been held after appropriate notice, proposed findings and supporting briefs having been filed, the hearing examiner having filed a recommended decision, exceptions thereto and briefs having been filed, and oral argument having been heard;

The Commission having this day issued its Findings and Opinion herein; on the basis of said Findings and Opinion;

It is ordered, That the motion for modification of the Commission's order of June 9, 1958, be, and it hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-3382; Filed, Apr. 13, 1960; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 261]

NEBRASKA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Cuming, Dodge, Douglas and Saunders (Flood occurring on or about March 27, 1960).

Offices: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo. Small Business Administration Branch Office, Farm Credit Building, Room 207, 206 South 19th Street, Omaha 2, Nebr.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1960.

Dated: April 2, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60-3401; Filed, Apr. 13, 1960; 8:48 a.m.]

PRODUCTION RESEARCH ENGINEERING POOL CORPORATION

Notice of Small Business Concern Withdrawn From Participation in Small Business Defense Production Pool

Pursuant to section 11 of the Small Business Act (Pub. Law 85-536) notice is hereby given that A.W.C., Inc., Burbank, California, has withdrawn from the Production Research Engineering Pool Corporation. The original list of participating members in the Pool was published in the FEDERAL REGISTER (24 F.R. 9251, November 13, 1959).

Dated: April 7, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60-3402; Filed, Apr. 13, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application, Serial No. AR-023667, for withdrawal and reservation of lands was published as Federal Register Document No. Arizona 214, F.R. Doc. 59-9483 in 24 F.R. 9174 of the issue for November 10, 1959.

By letter dated March 14, 1960, the Department of the Army, Corps of Engineers, withdrew the application for withdrawal of the lands. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands are relieved of the segregative effect of the abovementioned application. However, the lands have been classified by Small Tract Classification Order 61 as suitable for public sale under the Small Tract Act and are segregated from all appropriations including location under the mining laws except applications under the mineral leasing laws. Schedule of sale will be announced at a future date.

The lands involved in this notice of termination are: T. 15 S., R. 13 E., GSRM, Pima County, Arizona, Sec. 19: Lots 45 to 76 (SW¼) 162.31 acres.

E. I. ROWLAND, *State Supervisor.*

APRIL 6, 1960.

[F.R. Doc. 60-3378; Filed, Apr. 13, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

TURESSON TRADING CO.

Order Vacating Temporary Denial Order

In the matter of Turesson Trading Co. A/B Kaglestigen 6, Bromma, Stockholm, Sweden, Respondent, Files 23-659, 3-130, 23-679.

The respondent herein, having been denied temporarily all export privileges by an order dated December 31, 1959, (25 F.R. 205, January 9, 1960) and having moved that all provisions thereof applicable to it be vacated, and the Director of the Investigation Staff having filed no cross-motion in opposition thereto, I have considered respondent's motion and determined that it should be granted.

At the time the original application for the temporary denial order was submitted, it appeared, from the then available evidence, that Turesson Trading Co A/B, through its owner, Ture Turesson, was closely associated with Mikhel Lauter and his Labeco enterprises, which were, it was then determined, engaged in a continuing conspiracy to procure materials exported from the United States for transshipment to unauthorized destinations. It appears now, however, from respondent's assurances, and from the lack of any evidence submitted by the Investigation Staff in refutation thereof, that Ture Turesson has severed all connections with Mikhel Lauter and Labeco. I have therefore concluded that it is not now necessary, for effective enforcement of the law, that the respondent be subject to any of the prohibitions of the denial order of December 31, 1959; *It is therefore ordered:*

I. That the motion by Ture Turesson, on behalf of respondent firm, to vacate that part of the order of December 31, 1959, applicable to Turesson Trading Co. A/B, be and the same hereby is granted;

II. That all prohibitions of the temporary denial order of December 31, 1959, applicable to respondent, are hereby vacated, without prejudice to any proceeding which the Director of the Investigation Staff may deem advisable by reason of prior contravention by the respondent.

Dated: April 8, 1960.

JOHN C. BORTON, *Director, Office of Export Supply.*

[F.R. Doc. 60-3388; Filed, Apr. 13, 1960; 8:47 a.m.]

Maritime Administration

[Docket No. S–109]

FARRELL LINES, INC.

Notice of Application and Hearing

Notice is hereby given of the application of Farrell Lines, Incorporated, for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS African Pilgrim" (under time charter to States Marine Lines, Inc., which company proposes to subcharter said vessel to Luckenbach Steamship Company, Inc.), to engage in one eastbound intercoastal voyage, delivery at San Francisco Bay about April 26, 1960, loading general cargo at California ports for discharge at United States Atlantic ports north of Cape Hatteras. This application may be inspected by interested parties in the Hearing Examiners' Office, Federal Maritime Board.

A hearing on the application has been set before the Maritime Administrator for April 22, 1960, at 9:30 a.m., e.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before 5 p.m., e.s.t., April 21, 1960, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after 5 p.m., e.s.t., April 21, 1960, will not be granted in this proceeding.

Dated: April 12, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60–3444; Filed, Apr. 13, 1960; 8:51 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

Amendment of Delegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954, as amended,[1] is hereby further amended in the following respects:

1. In paragraph 5, delete existing subparagraphs (a) through (o) and add the following new subparagraphs (a) and (b):

(a) Approve applications for the survey and planning of urban renewal projects and allocate funds and authorize contracts and commitments therefor; and

(b) With respect to section 701 urban planning grants, approve applications and make allocations of funds authorizing Federal contracts.

2. In paragraph 6, delete existing subparagraph (a) and reletter existing subparagraph (b) as (a).

Effective as of the 14th day of April 1960.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 60–3397; Filed, Apr. 13, 1960; 8:48 a.m.]

[1] 20 F.R. 428, published Jan. 19, 1955, as amended at 20 F.R. 4275, June 17, 1955; 21 F.R. 1468, Mar. 7, 1956; 21 F.R. 3038, May 5, 1956; 21 F.R. 5385, July 18, 1956; 21 F.R. 5471, July 20, 1956; 22 F.R. 2887, Apr. 24, 1957; 22 F.R. 4105, June 11, 1957; 23 F.R. 1202, Feb. 26, 1958; 23 F.R. 1611, Mar. 6, 1958; 23 F.R. 4820, June 28, 1958; 23 F.R. 8413, Oct. 30, 1958; 23 F.R. 9078, Nov. 21, 1958; 23 F.R. 9399, Dec. 4, 1958; 24 F.R. 242, Jan. 9, 1959; 24 F.R. 5815, July 21, 1959; 24 F.R. 8451, Oct. 17, 1959; 24 F.R. 9634, Dec. 2, 1959; 25 F.R. 991, Feb. 4, 1960; and 25 F.R. 1081, Feb. 6, 1960.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 11, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36145: *Steel plate—Chicago and East St. Louis, Ill., to Plaquemine and Port Allen, La.* Filed by Southwestern Freight Bureau, Agent (No. B–7769), for interested rail carriers. Rates on iron or steel plate or sheet, NOIBN, plain, in carloads from Chicago, Ill., and points taking same rates, also East St. Louis, Ill., to Plaquemine and Port Allen, La.

Grounds for relief: Market competition.

Tariff: Supplement 96 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 36146: *Cement—Northampton, Navarro, and York, Pa., to Fulton, Mo.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2533), for interested rail carriers. Rates on cement and related articles, as described in the application, in carloads from Northampton, Navarro and York, Pa., to Fulton, Mo.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 51 to Trunk-Line-Central Territory Railroads tariff I.C.C. C–14.

FSA No. 36147: *Vermiculite—Between points in Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7768), for interested rail carriers. Rates on vermiculite, asbestos and clay combined; vermiculite, other than crude; and perlite, other than crude, in carloads between points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 38 to Southwestern Freight Bureau tariff I.C.C. 4331.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–3389; Filed, Apr. 13, 1960; 8:47 a.m.]

[Notice 296]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 11, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62659. By order of April 7, 1960, the Transfer Board approved the transfer to Lola Weller, doing business as Reliable Transfer & Storage Company, Chickasha, Okla., of Certificate in No. MC 1939, issued January 30, 1951, to W. L. Weller, doing business as Reliable Transfer & Storage Co., Chickasha, Okla., authorizing the transportation of: Feed, agricultural commodities, agricultural implements, farm machinery, cane syrup, cheese, display racks, and household goods, from, to, or between points in Oklahoma, Kansas, Texas, and Arkansas. Harry Hammerly, Federal Saving and Loan Building, Chickasha, Okla., for applicants.

No. MC–FC 62913. By order of April 7, 1960, the Transfer Board approved the transfer to Bradbury Sprague, doing business as Sprague's Meredith, N.H., of Certificate No. MC 110552, issued June 13, 1949, to Laconia Street Railway, a corporation, Laconia, N.H., authorizing the transportation of: Passengers and their baggage in the same vehicle with passengers, in charter operations, from Laconia, N.H., to points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, and New York, and re-

turn. Andrew J. Marks, P.O. Box 375, Meredith, N.H., for applicants.

No. MC–FC 62963. By order of April 7, 1960, the Transfer Board approved the transfer to Grasso Brothers, Inc., Newark, N.J., of Certificate No. MC 82053, issued May 1, 1942, to Krebs Bus Company, a corporation, Bayonne, N.J., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in Hudson County, N.J., to New York, N.Y., points in Westchester, Orange, and Rockland Counties, N.Y., and return. Edward F. Bowes, 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC–FC 62984. By order of April 7, 1960, the Transfer Board approved the transfer to William S. Buteux, doing business as W. S. Buteux, N. 614 Bowdish, Spokane, Wash., of Certificate No. MC 118359, issued March 31, 1960, to Harry B. Rice, Jr., and William S. Buteux, N. 614 Bowdish, Spokane, Wash., authorizing the transportation of: Frozen fruits, frozen berries, and frozen vegetables, from points in Multnomah, Washington, Marion, and Lane Counties, Oreg., to points in Spokane County, Wash.

No. MC–FC 63067. By order of April 7, 1960, the Transfer Board approved the transfer to Marvin L. Hance, Creston, Iowa, of Certificates Nos. MC 8088 and MC 8088 Sub 1, issued June 10, 1941 and September 20, 1940, respectively, to Lewis M. Hance, and Marvin L. Hance, a partnership, doing business as Hance Brothers, Creston, Iowa, authorizing the transportation of: Livestock, between Creston, Iowa, and Omaha, Nebr. and St. Joseph, Mo.; and farm machinery, twine, building materials, and commercial feeds from Omaha, Nebr., to Creston, Iowa. William A. Landau, P.O. Box 1634, Des Moines, Iowa.

No. MC–FC 63079. By order of April 7, 1960, the Transfer Board approved the transfer to Mrs. Loretta Coburn and John W. Kelley, a partnership, doing business as Checker Transfer & Storage Co., 2223 W. 8th St., Los Angeles, Calif., of Certificate in No. MC 82987, issued February 7, 1960, to Philip E. Coburn, doing business as Checker Transfer & Storage Co., 2223 West Eighth Street, Los Angeles, Calif., authorizing the transportation of: Household goods as defined by the Commission, between points and places in Los Angeles, Calif.

No. MC–FC 63124. By order of April 6, 1960, the Transfer Board approved the transfer to Raymond A. Albert and Eugene C. Ussery, a partnership, doing business as Albert & Ussery Truck Line, Marshall, Mo., of Certificate No. MC 94670 Sub 1 issued March 26, 1951 in the name of J. B. Sandidge, Marshall, Mo., authorizing the transportation of household goods and emigrant movables, over irregular routes, between points in Saline County, Mo., on the one hand, and, on the other, points in Iowa, Nebraska, Illinois, and Kansas; and animal and poultry feeds, and seeds, over irregular routes, from those points in Kansas east of U.S. Highway 81 to points in Saline County, Mo. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., for applicants.

No. MC–FC 63130. By order of April 6, 1960, the Transfer Board approved the transfer to Mac Liechti and Earl Liechti, a partnership, doing business as Liechti Brothers, Arcadia, Iowa, of Certificate No. MC 65434 issued November 3, 1959, in the name of John H. Liechti, Arcadia, Iowa, authorizing the transportation of livestock, from Westside, Iowa to Omaha, Nebr.; general commodities excluding household goods, commodities in bulk, and various specified commodities, from Omaha, Nebr., to Westside, Iowa, and return; telephone poles, wire and equipment, from St. Paul, Minn., to Westside, Iowa; and agricultural implements and parts, from Rock Island, Ill., to Westside, Iowa. Mac Liechti, Arcadia, Iowa, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–3390; Filed, Apr. 13, 1960; 8:47 a.m.]

[No. 33372]

NEW JERSEY INTRASTATE PASSENGER FARES—ERIE—1960

Notice of Investigation and Hearing

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of April A.D. 1960.

It appearing, that in Docket No. 33147, Increased Suburban Fares—Erie and N.J. & N.Y.R.R. (an embraced proceeding in Pennsylvania R.R., Increased Commutation Fares, 308 I.C.C. 593), the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their basic and commutation fares for interstate application from, to and between points in the State of New Jersey, and that such increases under such authorization have been made;

It further appearing that a petition dated March 4, 1960, has been filed on behalf of the Erie Railroad Company, averring that the Board of Public Utility Commissioners of the State of New Jersey by its order of February 25, 1960 (NJ–PUC–598–11634) denied petitioner authority or permission to increase its basic and commutation fares for intrastate traffic within the State of New Jersey to the same level as authorized by this Commission for interstate traffic in Docket No. 33147, supra;

It further appearing that petitioner alleges that such refusal causes and results in undue and unreasonable preference and advantage to persons and localities in intrastate commerce, and undue prejudice and disadvantage to persons and localities in interstate or foreign commerce, and undue, unreasonable and unjust discrimination against interstate commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that the Board of Public Utility Commissioners of the State of New Jersey on March 21, 1960, filed an answer to the said petition;

And it further appearing that said petition brings in issue fares and charges made or imposed by authority of the State of New Jersey:

It is ordered, That in response to the said petition, an investigation be, and it is hereby instituted, and that a hearing be held for the purpose of giving the respondent hereinafter designated and any other persons interested an opportunity to present evidence to determine whether petitioner's present basic and commutation fares made or imposed by the State of New Jersey, cause, or will cause, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, in violation of section 13 of the Interstate Commerce Act; and to determine what fares and charges, if any, or what maximum or minimum, or maximum and minimum, fares and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

It is further ordered, That the Erie Railroad Company be, and it is hereby, made the respondent to this proceeding; that a copy of this order be served upon such respondent; and that the State of New Jersey be notified of this proceeding by sending copies of this order and of the said petition by certified mail to the Governor of the said State and to the Board of Public Utility Commissioners of the State of New Jersey at Trenton, N.J.;

It is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Federal Register Division, Washington, D.C.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–3391; Filed, Apr. 13, 1960; 8:47 a.m.]

[No. 32912]

RATES ON FORMERLY EXEMPT COMMODITIES

Notice of Investigation and Hearing

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of March A.D., 1960.

Upon consideration of a petition filed April 3, 1959, by the rail carriers for a general investigation of the rates of motor carriers for the transportation of commodities now subject to, but formerly exempted from, regulation by the provisions of section 203(b)(6) of the Interstate Commerce Act; matters presented at the prehearing conference held in No. 32544, Fruits and Vegetables—Waseca,

Minn., Md., N.Y., & Ohio (and related proceedings) and No. 33040, Bananas—John William Dalrymple (and related proceedings), on July 21 to 25, 1959, inclusive, the examiner's report of such conference, served August 20, 1959, wherein certain recommendations as to the method of procedure were made and inviting suggestions, to which responses and comments were made by the motor and rail carriers, motor carrier organizations, the city of Wilmington, N.C., and the Secretary of Agriculture; and,

It appearing that the matters set forth in the next preceding paragraph, show that the rates, charges and practices of the motor carriers referred to therein reflect considerable variances and disparities on the same commodities and between the same points of origin and destination resulting in a chaotic situation and that a general investigation is necessary to determine just and reasonable and otherwise lawful bases of rates on such formerly exempt commodities;

It is ordered, That an investigation be, and the same is hereby, instituted into and concerning the reasonableness and lawfulness otherwise of the rates, charges, classifications, and rules, regulations and practices relating thereto on the commodities now subject to, but formerly exempt from, regulation by the provisions of section 203(b)(6) of the Interstate Commerce Act, maintained by all motor carriers (common and contract) for the transportation of the such formerly exempt commodities in interstate and foreign commerce, with a view to making such order or orders and the taking of such other action as the facts and circumstances shall appear to warrant;

It is further ordered, That the rates under investigation herein be separated into the following five parts: Part I—Rates on Bananas; Part II—Rates on Frozen Fruits, Frozen Berries and Frozen Vegetables; Part III—Rates on Cocoa Beans, Tea, and Coffee Beans; Part IV—Rates on Imported Wool, Wool Tops and Noils, or Wool Waste (carded, spun, woven or knitted); Part V—Rates on Hemp, Fish and Shell Fish treated for preserving, including canned, smoked, pickled, spiced, corned or kippered products;

It is further ordered, That all motor carriers engaged in the transportation described in the first ordering paragraph of this order, be, and they are hereby made respondents; that a copy of this order, be forthwith served upon the said respondents; and that a notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Federal Register Division, Washington, D.C.

And it is further ordered, That these proceedings be assigned for hearing and for other appropriate proceedings at such times and places as may hereafter be fixed.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-3392; Filed, Apr. 13, 1960; 8:48 a.m.]

[Rev. S.O. 562, Amdt. 1 to Taylor's I.C.C. Order 113]

RAILROADS SERVING NEBRASKA, MISSOURI, AND KANSAS

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 113 (Railroads serving the States of Nebraska, Missouri and Kansas) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 113 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 21, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 7, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 7, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-3393; Filed, Apr. 13, 1960; 8:48 a.m.]

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